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W. H. Y. Hackett

MEMOIR

OF

WILLIAM H. Y. HACKETT,

BY

FRANK W. HACKETT:

WITH SELECTIONS FROM HIS WRITINGS.

Privately Printed.

PORTSMOUTH:

1879.

No. 290

FRANKLIN PRESS:
RAND, AVERY, AND COMPANY,
BOSTON.

November 4th 1879

My dear Mr. Bancroft:

You will be pleased to accept the accompanying copy of a Memoir of my late father, Wm Heystaebet, of Portsmouth. As he was born, I think, in the same year as yourself, and was a representative of a sturdy stock that New England produced in those early days before railroads and telegraphs – I know you will find (and so will Mrs. Bancroft) something of interest in the story of his life

He had not the good fortune to know you

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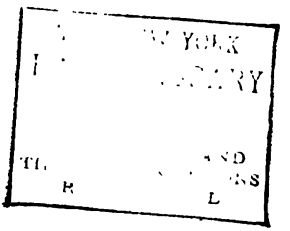

"It is *what* a man has been, not *where* he has been, that really interests and instructs us. It is the history of his mind and heart, and not a chronicle of the accidents that befell him, that produces good."

So wrote the subject of these memorial pages in introducing to his readers the sketch of his venerable friend Halliburton. Such is the conviction that has guided the present writer in his attempt to fulfil the self-imposed and filial task of preparing this record of a long, happy, and eminently useful life.

Portsmouth, September, 1879.

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I.

MEMOIR.

MEMOIR.

WILLIAM HENRY YOUNG HACKETT departed this life at his residence in Portsmouth, New Hampshire, a little past four o'clock in the afternoon of Friday, August ninth, in the year eighteen hundred and seventy-eight. Born in Gilmanton, New Hampshire, September twenty-fourth, in the year eighteen hundred, he lacked but a month and a half of having completed his seventy-eighth year.

Mr. Hackett was the eldest of six sons and three daughters, children of Allen and Mary (Young) Hackett of Gilmanton. The others were Jeremiah Mason; Nancy Young; Hiram Stephen; Mary Jane (wife of Andrew Dyer Leighton), living at Belmont, formerly a part of Gilmanton; Eliza Ann (wife of Jeremiah Carlton Hackett), living at Boston, Massachusetts; George Washington; Charles Alfred, living at the homestead at Belmont; and Luther Allen.

There is little reason to doubt that Mr. Hackett came of an English ancestry. Traces of the

name are found in Massachusetts and New Hampshire soon after their first settlement; but who were the individuals that bore it, or from what precise locality they had come, must for the present be left to conjecture; the most plausible theory being, that they emigrated directly from the mother country somewhere about the year 1630. Lower thinks the Anglo-Saxon "Hacket" (for the *t* final was not doubled till the present century) a corruption of "Harcourt;" while another writer ingeniously derives it from some signal act of valor in the field with sword or battle-axe. However this may be, we know that the non-prefixed surname "Hacket" appears on the Hundred Rolls of Battle Abbey (1273), and is not unfrequently to be met with in English annals of a still earlier period. An ancient branch of the family in Scotland, that in later times have achieved military distinction, spell their name "Halket," though retaining the pronunciation of "Hacket." Keating, in his "History of Ireland," enumerates certain families "of the best English stock," who crossed into Ireland in the reign of Henry II. (1175), and among them the Hackets. Here they acquired large estates; and many of their descendants are to-day prominent citizens of Dublin and its neighborhood. Their presence accounts for the name of Hackettstown, in the county of Carlow, not far from the Irish capital.

It is hardly to be claimed that any single individual has rendered the name illustrious, unless

indeed we are bound to except John Hacket, Bishop of Lichfield and Coventry from 1661 to 1670. This eminent prelate, a descendant of the Scotch Halkets, was born at London in 1592, and educated at Trinity College, Cambridge. During his ministrations as bishop he expended no less than twenty thousand pounds of his own private fortune in rebuilding Lichfield Cathedral, where his remains lie under an imposing monument. He was noted for the gentleness and purity of his character; and his fervid piety, eloquence, and zeal have kept his memory green in the church. Passages from his sermons, still preserved, attest his power in the pulpit; while his "Life of Archbishop Williams" entitles him to honorable rank as a biographer.

Mr. Froude, in his second volume of "The History of England," quotes the official letters of Sir John Hacket, the English ambassador at Brussels (1533) in the reign of Henry VIII. It may likewise be mentioned, in passing, that Sir Cuthbert Hacket was Lord Mayor of London in 1626, and that Sir Thomas Hacket was Lord Mayor of Dublin in 1687. Thomas Hacket, an English scholar, had translated "The Amadis of Gaul" previous to 1588; and a third Thomas Hacket (an Englishman) was Bishop of Down from 1672 to 1693. David Hacket filled the see of Ossory (the oldest of the Irish bishoprics) from 1460 to 1478; and a person of the same name is said to have been the architect of the Monastery of Ba-

talha in Portugal, some time in the fifteenth century. Well-nigh five hundred years ago (1384) Peter Hacket was consecrated Bishop of Cashel.[1]

Like many sons of New England who have lived useful and successful lives, the subject of this memoir came of a race of plain, substantial farmers. His earliest ancestor now known bore the family name of William, and for the latter part of his life made his home at Salisbury in Massachusetts, near the mouth of the Merrimack. He was by occupation a mariner, and appears to have been a man of superior talent and energy. Upon the first leaf of the Salisbury town records is an entry that registers the marriage of William Hacket to Sarah Barnard, January 31, 1667. There is good reason for believing this ancestor to have been identical with the "Will Hacket," who, as the Dover records tell us, had a grant in 1656 "touching Bellemie's bank freshet," and who was taxed at Cocheco the year following. He soon after sold his land to Thomas Hanson, and removed to Exeter, distant from Salisbury but ten or twelve miles in-

[1] The allusion to Marian Hacket of Wincot (Warwickshire), in the Induction to the Taming of the Shrew (Sc. IV.), shows that this surname was not unfamiliar in the neighborhood of Stratford-upon-Avon in Shakspeare's day. Sir Charles Hacket, an officer of the estates, who aided in the capture of Montrose (1650), lives under a ban in the popular ballad of the Gallant Grahams: —

"Then woe to Strachan and Hacket baith,
And Leslie ill death may thou dee;
For ye have betrayed the gallant Grahams,
Who aye were true to Majestie."

land. "Will Hacket" took the oath of allegiance at Exeter in 1667, and was rated there in the province lists in 1681 and 1682. Savage, who thinks the two may have been the same person, suggests that perhaps he came originally from Lynn, where was Jabez in 1644, who removed thence to Taunton.

John, the second child of William and Sarah, was born at Amesbury in 1669; all the other children at Salisbury. Of the numerous descendants of this couple living at Salisbury during the succeeding century and a half, a large proportion were farmers; some followed the sea; while a few were shipwrights, who gained much repute as master-builders. Year after year hardly a town meeting assembled that the voters did not call a William, a John, or a Richard Hackett to a post of official duty; and yet such are the mutations of time, that for the last half-century not a solitary individual of the name appears to have been left there to preserve the memory of his forefathers.

It was the fortune of William Hackett, while in command of the sloop "Indeavor," hailing from the port of "Salsbury, in the county of Norfolk, in New England," to act a conspicuous part in certain proceedings which have come down to us as the first recorded jury trial in the province of New Jersey. This was in May, 1671. Governor Carteret, it seems, had insisted that payment of duties at the custom-house in New York, by vessels entering Sandy Hook, gave no right to

trade in New Jersey, but that license therefor should be taken out at the custom-house in Elizabeth Town. Captain Hackett, not entertaining that view of provincial sovereignty, undertook to trade on the Jersey side, after having paid the duties at New York only, whereupon the governor seized his vessel, and summoned a jury to try the offender upon a charge of illegal trading. The captain conducted his own defence, and is said to have presented with much ability fourteen grounds for acquittal, — enough, one would conceive, to bewilder an ordinary jury. That body, "after a 2d and 3d going forth," came in and declared that "the matter Committed to them is of too great waight for them," and were discharged. A second jury, however, suited the governor's purpose better; for they promptly found Captain Hackett guilty, and his sloop was declared forfeited.[1]

What effect this untoward event had upon the further pursuit of his calling does not appear: perhaps he retired to his farm at Salisbury, for the records show that he was the possessor of a good estate there. He died at Salisbury, March 6, 1713.

The children of William and Sarah Hackett were Sarah, John, Ephraim, William, Judah, Ebenezer, and Katharine. From Judah was descended the late Dr. Horatio Balch Hackett, the distinguished biblical scholar and writer. Ebenezer,

[1] III. E. J. Records, 75; Hatfield's History of Elizabeth, 135.

born October 17, 1687, married Hannah, daughter of Jarves Ring, and had twelve children, the oldest son, Ephraim, having been born at Salisbury, October 3, 1711.

At the age of twenty-three Ephraim Hackett married Dorothy, daughter of Stillson Allen of Salisbury, and great-grand-daughter of Mr. William Allen, a leading man at the settlement of the town in 1638. It must have been early in 1749 that Ephraim Hackett, with his wife and a family of young children, made his way up the valley of the Merrimack to Canterbury, New Hampshire. This frontier town was then little better than a wilderness; for, though a settlement had been begun under the charter two and twenty years before, constant exposure to attack from Indians had greatly retarded its growth. The new-comer was a man of resources, and doubtless proved a welcome addition to the little band of pioneers. He secured an extensive tract of land not far from the spot selected for the new meeting-house, and at once showed himself fitted to lead in town and parish matters. His townsmen frequently called on him to act as moderator or selectman; and the still more honorable distinction was conferred upon him of being chosen one of a committee to convey to the new minister an invitation, adopted by unanimous vote in town-meeting, to come and share their privations. The homestead where Ephraim Hackett lived to a hearty old age formed a part of what is now

discussion. The life, however, of this sturdy New England farmer was uneventful. Honorable in his dealings, and loyal in his friendships, he was justly esteemed alike for his private worth and public spirit by all who knew him; and when he died, in 1848, his children mourned the loss of a prudent and affectionate parent.

Gilmanton Academy, now one of the oldest institutions of learning in New Hampshire, was established in 1797. At its opening term Allen Hackett entered as a student from the adjoining town of Canterbury; and Mary Young of Gilmanton, then a girl of seventeen, was seeking an education at the same source. The good people of that day conceived it a high compliment when they said of a young lady that she was as handsome as Polly Young. To charms of person happily were added a quick intelligence, a cheerful disposition, and a kindness of heart that knew no bounds; and it was rare good fortune in Allen Hackett to win so estimable a woman for a wife. Endowed with a memory retentive and accurate, Mrs. Hackett readily assimilated what she had gathered from books, and, in spite of the family cares that early marriage invited, she managed to keep herself well informed of what was going on in the religious, literary, and political world. While improving every opportunity to cultivate her mind, she neglected no duty of wife or mother, and bestowed upon her children the wealth of a warm and affectionate nature; nor, in minister-

ing to their health and comfort, did she fail to inculcate the precepts of religion. Between Mr. Hackett and his mother a relation of peculiar tenderness existed that appreciably moulded his character, and to a great degree insured his success in after-life. In January, 1854, this woman of blessed memory passed away at the age of seventy-three.

Mr. Hackett's maternal grandfather, Joseph Young, was one of the earliest settlers of Gilmanton, and for many years a leading and influential citizen of that town. He married Anna Folsom at his native town of Exeter in 1771, and lived there till 1779, when, in company with the Folsoms and Gilmans, he made the journey on horseback to the hills of Gilmanton. Here he engaged actively in business enterprises, and accumulated what the country people of that day accounted a handsome fortune. Mr. Young represented the town for nine terms in the General Court, served eleven years as a selectman, and was a ruling elder in the church. He had two daughters, — Polly, the mother of Mr. Hackett; and Nancy, who died soon after her marriage. His only son, William Henry, is said to have been a young man of amiable disposition and of more than ordinary promise. After having completed his education at Phillips Academy, Exeter, he established himself as a trader at Gilmanton, where, after four years of successful business, he suddenly died in 1797. It was in memory of her only brother that

Mrs. Hackett gave to her son the name of William Henry Young.

Allen Hackett, having learned his trade at Concord, started in life as a tanner, occupying for the purpose a lot adjoining the academy grounds at "The Corner," for so the Gilmanton people designated their chief village. At the edge of the tan-yard, just back from the road, stood his dwelling-house, — a plain structure of one story, still to be seen as the traveller from Gilmanton Iron Works descends the hill into the village. Here William Henry Young Hackett was born, September 24, 1800.

When the child was about a year old, his father determined to sell the tannery, and apply himself to farming. Accordingly he removed his family to the W. R. Gale Farm (so called), distant five miles from the Corner, and a mile and a half from what is now Factory Village. If not robust, the boy was healthy, and throve in the pure, bracing air of the Gilmanton hills. The eight years that followed saw four other children added to the household; and, as family cares multiplied, the mother, when compelled for short seasons to absent herself from her little ones, did not hesitate to intrust them to the vigilant care of her eldest. A trivial incident is preserved of William Henry's childhood, associated with the memorable eclipse of the sun in June, 1806. This phenomenon lasted from ten in the morning till half an hour after noon, the total obscuration continuing up-

wards of four minutes. Fowls went to roost, stars of the first magnitude could be discerned, and an appearance of twilight spread over the horizon. For a while the boy of five years viewed in silence the sublime scene; then, as the darkness began slowly to recede, he exclaimed, "It's the shortest night that ever I saw, mother."

In 1809 Allen Hackett bettered his condition by purchasing a piece of land next the Governor Badger Estate, on the road from the Corner to Factory Village, — a lot, it may be remarked, upon which the first child was born in Gilmanton. Mrs. Hackett having been presented by her father with a house and a valuable tract on the opposite side of the road, the family was removed thither. Subsequently Mr. Allen Hackett built upon his lot a more commodious dwelling-house, which with its improvements is to-day occupied by his only surviving son, Charles A. Hackett, Esq. The part of the town, it should be explained, embracing the site of this farm, was set off as Upper Gilmanton in 1859, — a name that ten years later was changed to Belmont.

Here the youth worked upon the farm, rode the horse to mill; in short, performed all the ordinary duties that fall to the lot of the eldest son of a farmer's family. In the winter months he attended the little district school, not far off. Though industrious and obedient, he cannot be said to have taken kindly to any species of farm labor: indeed, his father is credited with saying,

"William Henry will clear up brush, and burn the heaps, — the only mark of a good farmer I ever knew him to have." Playmates were few, and he appears to have inclined but little to out-of-door sports. From childhood he had evinced an intense love of reading; and it was in books that he found his chief pleasure, often devouring them by candle-light after a day's work in the field. His mother guided his taste as best she might, and encouraged the ambition he had early manifested to devote himself, upon growing up, to some pursuit more intellectual than farming as then practised.

At the age of twelve his parents permitted him to attend the academy; and he used to walk daily two miles each way over a hilly road, carrying his books under his arm, meanwhile helping his father in farm-work at spare hours. In New England sixty or seventy years ago school-books were neither so common nor so cheap, it must be remembered, as they now are. To purchase a geography and atlas, this young scholar went into the woods with an axe, and, cutting a cord of wood, hauled it to the Corner, where, for two dollars, he unloaded and delivered it at the purchaser's door. Says Judge Ira A. Eastman, who, though his junior at the academy, remembers the circumstance, "I do not think he did this from necessity (because his father was a man of considerable means for those days), but from an ambitious and most commendable desire not to bring upon his father

any more charges than he could help. In those times the feeling and disposition of young men, farmers' sons, generally, was to help forward the interests of parents and the household; and to pay all their own expenses when it could possibly be done."

At this date nearly a hundred pupils of various ages, about equally divided between the sexes, attended the academy at Gilmanton. The reputation of the school depended entirely upon the capacity and experience of the single preceptor who happened to be in charge. Fortunately for our young friend, during his entire course of eight years he continued under the instruction of Mr. Andrew Mack, a Dartmouth graduate, who was a gentleman of much aptitude for teaching, and of scholarly and refined instincts. Asa McFarland, Esq., of Concord, a fellow-student, says of Mr. Hackett: "I was a boarder in the family of Deacon Joseph French, and sat at the same table with Mr. Mack, the principal: I remember particularly the commendation Mr. Mack bestowed upon him for his perseverance in acquiring useful knowledge." He showed proficiency alike in the classics and mathematics, and was especially fond of English composition. With a view of gaining ease, if not elegance, in style, he applied himself to a critical study of the best authors: yet it is to be feared that the inexperienced youth was left to grope his way along this path with very slender assistance; for in that day little or no attention

was paid, even in our colleges, to the art of writing good English, — still less could be expected at this country academy. Blair's Rhetoric, it is true, was put into the hands of pupils for a text-book, and they were told to acquaint themselves with the pages of "The Spectator" as a model of style; but the use of plain Anglo-Saxon, and a familiarity with natural and unaffected forms of expression, if acquired at all, were not due to teaching. It is a subject of regret that one, the current of whose thought runs so clearly, was denied in his youth the benefit of a rigid training in this direction.

Brilliant in no single branch of study, but an apt scholar in all, he of course felt the spur of ambition. The facility with which he maintained high rank among his classmates warrants the belief that honorable distinction would have marked his career at college. But to go to college was out of the question: his father lacked means to send him, and there was nowhere to look for assistance. The disappointment must have been hard to bear; yet no one ever heard Mr. Hackett indulge in the expression of those vain regrets not uncommon with men of conscious ability who have been compelled to forego the full advantages of a liberal education.

Society at Gilmanton, though limited in point of numbers, compared favorably with that of many larger towns. Judge Nathan Crosby of Lowell, who at this date knew it well, observes: "The

place was quite distinguished for its social culture and amenities. The Moodys, Beans, Badgers, Coggswells, Frenches, Greeleys, and Eastmans were for those days people of marked character for intelligence, wealth, and refinement." The presence of these families could not fail to elevate the standard both of scholarship and deportment at an institution designed for their sons and daughters, and engrossing so large a share of the life of the village. Prompted by an affectionate nature, Mr. Hackett attached himself to certain of his school-fellows with a warmth and fidelity that led to friendships lifelong in duration, — of whom may be mentioned the names of Charles H. Peaslee, John A. Burleigh, Dixi Crosby and his brother Alpheus, Ira A. Eastman, and Asa McFarland.

To defray the expenses of his education he resorted to school-keeping, an occupation congenial to his tastes, and in which he achieved a gratifying success. His first venture of consequence was at North Barnstead, when he was only eighteen; and, upon returning home after three months' absence, he paid over his entire salary, thirty dollars, to his father. Nearly half a century later, on the occasion of delivering a memorial address in the old Smith meeting-house at Gilmanton, he recalled this circumstance in language nearly as follows: "I remember distinctly how happy and light-hearted I felt as I passed this church just at dusk, and looked up at these same

windows through which the light is streaming to-day. In the years that have since passed, I have been paid for my services somewhat more liberally; but certainly no fee that I have received in my profession, however large, ever gave me the feeling of glad independence I experienced that evening, as I went home with thirty dollars in my pocket, the remuneration for three months of faithful labor." He also kept school acceptably for several terms at Gilmanton Corner.[1]

Mr. Hackett had early conceived the purpose of dedicating himself to the law. "I should never," he years after wrote, "have quitted farming (which I regard as the happiest occupation for those suited to it), if I had not felt that I must be a lawyer or nobody." Stephen Moody, Esq., a graduate of Harvard College, and for many years solicitor for the county of Strafford, was then the only lawyer in active practice at Gilmanton Corner. This gentleman took a kindly interest in the aspirations of his young townsman, at whose disposal he placed his small law library. Mr. Hackett, before leaving the academy, had thus begun to read systematically text-books of the law, although his name was never formally entered in Mr. Moody's office as a student. At the age of twenty he went to the little village of Sanbornton Square, about nine miles from home,

[1] It was when a schoolmaster that he became expert in what is now one of the lost arts; namely, making a pen from a goose-quill. All his life he wrote with no other than a quill-pen.

to read law with Matthew Perkins, Esq., a gentleman of respectable legal attainments, who treated him with great kindness and generosity. Here he devoted a year and a half to study, receiving board and lodging in the family of his preceptor in return for such service as he could render in the routine of office practice. From the first, however, he had kept steadily in view the intention of completing his law studies in the town where he was to make his future home.

The bar of Rockingham County at that period held out to a young lawyer attractions not easily resisted; for, notwithstanding her entry upon a mercantile decline, Portsmouth still offered a promising field for professional success. Daniel Webster had but recently removed to Boston; Levi Woodbury, though upon the bench, kept his office open for students, of whom one was destined to become President of the United States. That great master of the common law was there, — Jeremiah Mason, the head of the bar of New England, who had honored Portsmouth for a quarter of a century with his residence. Ichabod Bartlett, Edward Cutts, and N. A. Haven, Jr., not to mention others of less distinction, enjoyed there a large and lucrative practice; while at Exeter, the other shire-town of the county, lived the brilliant George Sullivan. Mr. Mason and Mr. Bartlett were in the habit of trying causes to the jury upon the circuit as opposing counsel, — a circumstance that suffices to denote what rank

the latter maintained at the bar. Still it deserves further to be said of Ichabod Bartlett, that his adroit handling of witnesses, and consummate tact in getting a case well laid open to the jury, had, not less than his eloquence, given him a wide and exalted reputation, — talents by the display of which he was soon to win upon the floor of Congress the title of "The Randolph of the North." The court of Strafford County was accustomed to hold one or more terms a year at Gilmanton for the trial of jury causes, and here our young candidate for professional honors had listened with admiration to the famous Mr. Bartlett. In spite of grave doubts entertained by his grandfather Young as to the wisdom of going so far away to live, Mr. Hackett ventured to apply to this distinguished advocate for leave to enter his office as a student, and to his great joy received a favorable response.

The month of April, 1822, found him ready to leave his home. With her own hands his mother had made a new homespun suit, which, together with a change of clothes in a bundle, and three dollars in money, comprised his outfit. His father took him in a wagon over the familiar road to the Corner, and to the top of a steep hill beyond. Here they parted company; for it was the son's own choice to accomplish on foot the forty miles that remained. By nightfall the traveller had reached Northwood, where he met a hearty welcome at the house of Mrs. Eben Coe, whom

he had known at Gilmanton, and whose husband carried on an extensive business as a country trader. It happened that one of Mr. Coe's clerks, whose home was at Portsmouth, had arranged to drive thither the next day; and Mr. Hackett did not decline the offer of a conveyance. Upon reaching their journey's end the youthful stranger alighted at the Farmers' Hotel, on Pleasant Street (where the custom-house now stands), and bade adieu to his companion, — the only person whose acquaintance he could claim in all the town.

Mr. Bartlett's law offices were at the corner of Bow and Fore Streets, "up stairs," as the directory (published by Wibird Penhallow in 1821, "a new thing in this place") informs us, with a quaint precision. Francis O. J. Smith was already there as a student: he subsequently practised law at Portland, was three times a representative in Congress from Maine, and later in life became largely interested in telegraphs. Mr. Hackett now entered upon a course of advanced study, and took charge of nearly all the office practice. His biographical sketch of Brewster makes a passing allusion to this first year at Portsmouth. "It was the fashion," he observes, "for apprentices, as well as law-students, to work evenings. It was my practice, upon leaving Mr. Bartlett's office toward ten o'clock on Friday evenings, to go into the Journal office, and make a friendly call upon Mr. Brewster, see him 'work

off,' as he called it, the inside of the Journal, and ascertain if any article which he or I had written had passed the editorial ordeal." From the same source we learn that the following young gentlemen (nearly all of them college graduates, and sons of wealthy parents) were studying law at other offices in the town: with Mason, — his son, George W. Mason, Lory Odell, John Elwyn, Charles W. Cutter, Samuel P. Long, Hampden Cutts, Thomas Currier, and William A. Walker; with Woodbury, — Franklin Pierce, John Thompson, and Joseph W. White; with Haven, — Alfred W. Haven; with Cutts, — J. Trask Woodbury; and with Claggett, — Jonas Cutting.

Upon the fees earned in petty office-business, added to something got by teaching private pupils at odd hours, he contrived to live respectably, and to keep out of debt. With the approach of winter, however, he deemed it prudent to resume school-keeping, and accordingly returned to Gilmanton. When he came back to Portsmouth in the spring, it was to find new duties and responsibilities awaiting him consequent upon Mr. Bartlett's election to Congress; and he entered gladly with fresh energies upon this wider field of exertion.

The 21st of May, 1823, marked the completion of two centuries since David Thompson planted at the seaside, upon what is now Odiorne's Point, Portsmouth, the first settlement of New Hampshire. The recurrence of the day was celebrated

in a style and with a zeal befitting so interesting an historical event. N. A. Haven, Jr., was the orator, and Oliver W. B. Peabody of Exeter, the poet of the day. A brilliant ball in the evening, attended by nearly four hundred persons, where grandsire and grand-daughter danced in the same set, closed the festivities of an occasion long to be remembered in the annals of the town. Of those who took part in the commemoration, two hundred and forty-five ladies and gentlemen inscribed their names (and, with few exceptions, their ages) upon a parchment roll which remained till a recent day in good preservation. Among the signatures were those of Jeremiah Mason, Daniel Webster, Joseph Story, and John G. Palfrey. Mr. Hackett was one of the youngest present; and fifty years later he acted as the chairman of a committee to summon the survivors, then numbering about two score, to participate in the spirited celebration of July 4th, 1873.

An institution of kindred date with these commemorative exercises, and the outgrowth of a sentiment then fully awakened, is the New Hampshire Historical Society, a meeting for whose organization was held at Portsmouth on the 20th of May, 1823. Though Mr. Hackett did not become a member of the society till twelve years later, he happened to be present at this initial meeting, — a circumstance to which he fitly alluded upon the observance of the semi-centennial anniversary, at Concord in 1873, when there was liv-

ing but one of the thirty-one original members. This association had no warmer friend than Mr. Hackett, whose earnest and unceasing efforts in promoting the objects of its creation did much to enlarge the sphere of its usefulness, and to place it upon the sure footing which it now maintains. He was chosen vice-president in 1860, and served as president from 1861 to 1866. Amos Hadley, Esq., recording secretary, writes as follows of his attendance at the annual meeting in 1878: "He was called to the chair in the absence of the president, and presided with that urbane dignity and singular readiness which ever distinguished him in the chair of deliberative bodies. He wore his years so youthfully even, that no one of us in that large meeting had the remotest thought that it would be the last attendance of one who had been for years so prompt and constant in his presence, and so true and wise in act and counsel tending to promote the welfare of the society."

About the time that Mr. Hackett made Portsmouth his home, the condition of the public schools of the town had become a subject of well-founded complaint; for frequent changes in the office of instructor had resulted in nothing but laxity of discipline and general inefficiency. The school committee, composed of the best citizens, emphatically condemned the policy of doling out a meagre compensation: they insisted that salaries should be offered large enough to induce a

teacher fit for the office to remain in it permanently. At this juncture a vacancy occurred in the mastership of the high school, and Mr. Hackett consented to assume that position for a brief season, devoting his evenings meanwhile to the law. His administration restored perfect order, and the scholars made rapid progress in their studies: in fact, such general satisfaction attended his method of instruction, that upon the eve of his retirement, after three months' service, the committee earnestly desired him to consider the situation a permanent one at an annual salary of six hundred dollars. This flattering offer he gratefully but firmly declined. When his good friends in the country heard of it, they were sorely exercised, and did not hesitate to predict that he had made the mistake of a lifetime.

But his interest in the cause of education by no means ceased when he laid aside the duties of teacher. For some years he continued to perform more than his fair share of labor upon the school committee; and to the close of his life he manifested a personal solicitude in the success of the public schools of a higher grade. When the class of 1873, at their graduation, instituted the Portsmouth High School Association of the Alumni, they came to Mr. Hackett, and asked him to accept the presidency, which he gladly did. A day or two only before the confinement of his last illness, he exerted himself to be present at the annual gathering, in order not to disappoint his

young friends. In such harmony were his spirits with the occasion, that no one could have suspected his being, in truth, far from well. Contenting himself with a single word of remark, he felicitated the association upon its prosperous condition, and added, with wonted good-humor, "I congratulate you also that you have a president who can make a very short speech on a very hot night." [1]

In 1824 the State Senate chose Mr. Hackett their assistant clerk, and re-elected him the succeeding year. He also served one term as clerk of the Senate, in 1828. The late George S. Hillard, to whose most competent hand was intrusted the preparation of a memoir of Jeremiah Mason, acknowledged his indebtedness to Mr. Hackett for many interesting reminiscences, and among them the following: The House had, in November, 1824, expressed their choice of Mr. Mason as

[1] A pleasing incident of the celebration in 1873 ought to find place here: the Portsmouth High School has long had no more dutiful or affectionate son among her graduates than James T. Fields, who has made her the recipient of many a substantial favor. The presiding officer had introduced the poet of the day as "James T. Fields, Esquire, of Portsmouth, temporarily sojourning at Boston." That gentleman began to read some admirable verses, but had not proceeded far, when, suddenly turning to the president, he said amid applause, —

> "I'm conning my Virgil. That's cool —
> *My* Virgil? 'Twas yours, my good friend,
> The copy you studied at school,
> And afterwards kept it to lend."

The next day Mr. Hackett took from his library the well-worn copy of Virgil Delphini, and sent it as a present to Mr. Fields, — an act which elicited a warm and graceful letter of thanks.

United States senator; and the Senate, after several ballotings, elected William Plumer, Jr., who was at that time a member of Congress. Mr. Hackett bore to the House the message that the Honorable Senate had concurred in passing the House resolution, after striking out the words "Jeremiah Mason" and inserting "William Plumer, Jr.," making the formal announcement by addressing the speaker. As he turned to go back to the Senate chamber, Mr. Mason, who was standing before the fire in a corner of the Representatives' hall, said with a smile, "Good-morning, Mr. Hackett: you propose, I see, a trifling amendment."

He was admitted to the bar in the month of January, 1826, upon motion of N. A. Haven, Jr., who soon afterward invited him to form a law partnership,—a proposal he was only too happy to accept. The intellectual resources, elegant scholarship, and catholic tastes, that distinguished this amiable man, would have enriched with precious advantages an association of a purely business character; but Mr. Hackett, besides looking to him as an exemplar of what was best and highest in the profession, had already experienced the inestimable worth of his personal friendship. This privileged relation, however, was destined to be transitory indeed; for it pleased God to remove Mr. Haven in June of that year, at the early age of thirty-six. No event at Portsmouth has ever moved the entire community to such profound

and sincere grief, — and justly; for the death of such a man was a great public loss. The memory of Nathaniel Appleton Haven, Jr., is transmitted to this generation by a published volume of his writings, prefaced with a memoir from the pen of his friend and classmate, the late George Ticknor. Mr. Hackett, for the remainder of his life, a period of fifty-two years, continued at the bar without an associate in business.

This brief connection, however, had enhanced the reputation of the surviving partner; and his practice took on a steady growth. Yet the labor he exacted of himself did not debar him from the enjoyments of society, of which he was very fond. He was married on the 21st of December, 1826, by Rev. Dr. Parker of the South Parish, to Olive, second daughter of Joseph Warren and Hannah (Nutter) Pickering.[1] His father-in-law was a lineal descendant of John Pickering, who came from England to Massachusetts, and thence, in 1636, to Portsmouth, where he was a prominent citizen and the owner of a large tract of land at the south part of the town, known as "Pickering's Neck." The young couple at once began housekeeping at the dwelling-house on Congress Street, near Islington, where they lived in un-

[1] Their children were William Henry, a lawyer of Portsmouth; Marianna, wife of Robert Cutts Pierce of Portsmouth; Frank Warren, a lawyer of Portsmouth and Washington, D.C.; and Ellen Louisa, wife of Eben Morgan Stoddard of Ledyard, Conn. Clara Coues (1832) and Charles Parker (1834) died in early infancy. — *See* NEW ENGLAND HISTORICAL AND GENEALOGICAL REGISTER for January, 1879.

broken contentment, and witnessed the changes around them of more than half a century. So strong was the attachment Mr. Hackett conceived for this spot, that he never could be induced to remove from it. He enlarged and improved the house to accommodate his family; but the old place retained its familiar features, and was to him always "home." It may be added here that Mr. Hackett was a member of the church of the South (Unitarian) Parish since 1826, and occupied the same pew for upwards of fifty years.

Portsmouth in that day was noted for its social attractions; and he was at no loss to find acquaintances of his own age, congenial to his tastes. "About the year 1820," to quote from his memoir of Halliburton, "several young men started the plan of forming a forensic club. It met once a week, and was well sustained for several years. At each meeting an essay was read: some question which had been previously proposed was then discussed in writing by a member upon each side. The subject was afterwards opened to general discussion; and, being remarked upon by the president, the question was determined by a vote of the club. The meetings were open to the friends of the members, and were generally well attended." Upon the re-organization of this club in 1826, Mr. Hackett served as director and secretary, and afterwards became president.[1] Visitors were

[1] The following are the names of officers and members of the Forensic Club as they appear at the date of the re-organization in 1826: Andrew

attracted in large numbers to the "Forensic" hall in the Academy, till it came to rival the assembly rooms as a fashionable place of resort. The papers read were of more than ordinary merit; and, to judge from certain records kept by Mr. Hackett in a neat and regular hand, the debates must have been animated and profitable. No doubt the young lawyers, like those of the famous "Robin Hood" debating society, regarded this forum as an excellent training-school for future contests at the bar.

During the early part of Mr. Hackett's professional career, Portsmouth exhibited considerable commercial activity, notwithstanding her fortunes as a seaport were already upon the wane. The railroad system, which subsequently diverted trade into new channels, had as yet no existence; and trains of teams were still to be seen making the journey from the interior to tide-water at Portsmouth, or slowly returning, laden with West India goods and other supplies. It was not the custom to pay cash for purchases; the merchant taking from the country trader his notes of hand, which in many instances found their way into suit for collection. Inasmuch as a debtor's property was

Halliburton, *President;* Charles W. Cutter, *Vice-President;* William H. Y. Hackett, *Secretary and Treasurer.* These three gentlemen, with Hampden Cutts and Orange Clark, constituted the Board of Directors. The remaining members were: Ebenezer Wheelwright, Eben L. Childs, William L. Pickering, Thomas A. Adams, Edward Rundlet, Addison Brown, Calvin B. Magoun, Silas Durkee, Charles W. Chauncey, Joseph W. White, Rufus Claggett, Tobias H. Miller, Samuel E. Coues, Charles B. Goodrich, Baron Stow, Ichabod Bartlett, Samuel P. Long, Lory Odell.

liable to be attached upon mesne process, and as the judgment secured by the earliest attachment was first satisfied in full, it followed that the slightest rumor of failing circumstances was the signal for creditors to vie with each other in gaining priority in the service of the writ, — an advantage calling for vigilance and enterprise on the part of an attorney, and leading sometimes, it must be confessed, to "sharp practice." The following anecdote illustrates how a young practitioner once bore himself in an emergency of this sort.

We have already narrated, that, when Mr. Hackett left his home to seek his fortune, he passed a night upon the road at the house of Mr. Eben Coe of Northwood. As he was taking leave the next morning, Mrs. Coe said jocosely, "You're going to be a lawyer. Now, remember, if any of my husband's notes come into your office, you won't sue them without letting him know beforehand." Mr. Coe's credit, it ought to be explained, stood as high as that of any business-man in the State. Some five years later, when the hard times caused frequent failures, and long after this incident had faded from memory, a client one day called upon Mr. Hackett to bring suit forthwith upon several notes, among which there happened to be one bearing the signature of Mr. Coe. Having filled out the writs, Mr. Hackett left his office, and was upon the point of putting the papers into the hands of the sheriff, when the

parting remark of Mrs. Coe flashed across him. Four hundred dollars were involved, and his instructions were peremptory. Losing not a moment, he took a horse and chaise, and set out with the officer for Northwood. On arrival, he left his companion at the tavern, and went alone to Mr. Coe's house. That gentleman was absent from town; but Mrs. Coe, upon learning the occasion of the visit, represented that an attachment would inevitably bring down upon her husband demands from all his creditors, and ruin him; whereas, with a little forbearance, she felt sure every dollar would be paid. The young man had to act promptly. A brief pause, — and he had decided what course to pursue. Assuring Mrs. Coe that her husband should suffer no harm, he bade her good-day, and returned with the officer to Portsmouth. When the bank opened the next morning he drew out the amount of his deposit, — all the money he had in the world. This was one-half of what the note called for. Writing his own promissory note for the other half, he was enabled, by the friendly indorsement of Isaac Waldron, president of the Portsmouth Bank, to take to his office four hundred dollars in bank-bills. As he had anticipated, the client soon came in, when a colloquy ensued nearly as follows: —

Client. — Well, squire, have you secured my note?

Mr. Hackett. — Yes, oh, yes!

Client. — What have you got it on to?

Mr. H. (*taking from his desk a roll of bank-bills*). — This is what I've got it on to.

Client (*astonished*). — Why, what does this mean? If I'd supposed he was that kind of a man, I wouldn't have sued him.

Mr. H. — You or anybody else ought to be ashamed to sue a man like Mr. Coe, when you could get your money by calling for it.

Client. — That's so, squire: I *am* ashamed. I'm sorry for it.

Mr. Hackett then told him it was no more than right that he should pay the expenses, which he was glad enough to do; and he went his way, grateful to his counsel, and full of kindly impulses toward his late debtor. Within forty-eight hours Mr. Coe made his appearance, pale and agitated. His first words were, "Mr. Hackett, have you sued me?" — "Oh, no!" was the cheering reply. "I'm all right, then," added the other, opening his wallet: "I've got the money here; but, if you'd sued me, 'twould have started everybody else, and" — With this he laid down a sum far exceeding the debt, and begged Mr. Hackett to help himself to a liberal fee. The young lawyer, however, took pleasure in refusing to let him bear any expense whatever: "for that," said he proudly, "I shamed out of my client."

There is a class of worthy citizens who view with apprehension what they conceive to be a degeneracy in the tone of the political press of

to-day. They deplore the fact that officials in high station are vilified with a recklessness and persistency (as they assume) heretofore unequalled; and they dread lest this torrent of abuse may drive decent men out of politics altogether. It would allay their fears, however, to bring to light, from the files of party journals half a century old, specimens of the devices, the flaming head-lines, daggers, and coffins to which newspapers of that day resorted for the purpose of stigmatizing their political opponents; and they would find candidates surviving the most bitter attacks made upon their personal character, and apparently not much the worse therefor. Noble slanderers lived before Thersites.

These reflections come into mind upon looking over an extended report of what was, for its day, in New Hampshire, a famous libel suit, — Upham *vs.* Barton and Hill. The Whigs in 1830 had nominated General Timothy Upham of Portsmouth as their candidate for governor, — an able and trusted leader, who for some years had creditably filled the office of collector of the port. In the heat of the campaign "The New Hampshire Patriot," the organ of the Democracy at the State capital, charged the Whig nominee with the crime of smuggling. General Upham promptly retained Mr. Hackett to bring a suit for defamation against the publishers, — the name of one of whom, Isaac Hill, yet survives in the traditions of political warfare in New England. Though the

accusation was proved at the trial to have been maliciously false, it was impossible to reach a verdict, the juries at two successive terms failing to agree. Of course, the counsel respectively represented opposite political parties: for General Upham appeared Messrs. Mason, Cutts, Bartlett, and Hackett; for the defendants, Messrs. Sullivan (then attorney-general), Cushman, and Claggett. It may be added in this relation that "The Patriot" took frequent opportunity to assail Mr. Bartlett and his former student (now rising into prominence as a Whig leader), invariably introducing to its readers the names of "I. Bartlett" and "W. H. Y. Hackett" as "Personal Pronoun Bartlett" and "Alphabet Hackett,"—a conceit as harmless as at this distance of time it appears amusing.

Another interesting reminiscence of his fifty-two years at the bar is the Bradbury Cilley will case, tried at Exeter in October, 1833, before Chief Justice Joel Parker, by an array of eminent counsel, of whom Mr. Hackett had long been the last survivor. The trial, which was an appeal to the jury from the decree of the probate court sustaining the will, lasted more than a week, during which upwards of a hundred witnesses were examined; and the parish meeting-house, temporarily converted into a court-room, was crowded with those in attendance, many of whom were ladies. For the appellants appeared Messrs. Hackett, Sullivan, and Mason; for the appellees,

Messrs. Bell, Cutts, Atherton, and Webster. Mr. Mason addressed the jury for four hours, while Mr. Webster consumed about six hours; and both efforts were masterly displays of forensic eloquence. The jury found for the appellees. Mr. Hackett used to relate the following incident of this trial: being junior counsel, he read the pleadings at the opening; and as he descended from the platform to return to one of the pews in front, an elderly member of the bar, then retired from practice, motioned to him with some concern in his countenance. Mr. Hackett, as he leaned over to hear what was to come, could scarcely conceal his amusement at the monition, "I am afraid, sir, that Mr. Mason is not aware what a great mistake he is making to undertake this case at his time of life." (Mr. Mason was just sixty-five.)

Mr. Hackett as counsel for one of the banks in the town became much interested in the subject of banking. As early as July, 1827, he entered the board of directors of the Piscataqua Bank, and served continuously as a director for the rest of his life, — a period of fifty-one years, outliving every one of fifty-nine gentlemen who were at that date officers of banks in Portsmouth. In January, 1845, upon the organization of the Piscataqua Exchange Bank, he became its president, and held that office till August, 1863, when the charter expired. He was an earnest promoter of the national bank system, and frequently com-

municated with his friend Secretary Chase, in person and by correspondence, upon the details of the project. While the act creating these institutions was pending in Congress, he made arrangements to organize a national bank at Portsmouth, and awaited for their completion the news of its passage. He at once assumed, and retained through life, the presidency of the First National Bank of Portsmouth, which claims the honor of being the first national bank organized in the country.[1] At the date of his death he was senior trustee of the Portsmouth Savings Bank,[2] — one of the oldest institutions of the kind in the Union; and president of the Piscataqua Savings Bank, chartered largely by his efforts, which went into operation in April, 1878. His continuous term of service as president of a discount bank doubtless exceeded that of any similar official in the United States.

He permitted nothing, however, to interfere with the regular and uniform despatch of business;

[1] Samuel Lord, Esq., was cashier of the old Piscataqua Bank when Mr. Hackett became a director of that institution; and he held a similar office in each of the succeeding banks till his death, in 1871. To the financial wisdom of this courteous gentleman much of the success of these more than usually prosperous corporations is justly due, and especially to the circumstance that the two friends were ever harmonious in thought and action.

[2] The Portsmouth Savings Bank began business in 1823, and on the 17th December of that year a deposit of $20 was made, which is still undisturbed, and which amounted, July 1, 1879, to the sum of $536.86. Almost from the beginning Mr. Hackett was its solicitor. In 1869 he contributed an interesting article thereon to Keyes' History of Savings Banks, Vol. I. page 201.

and his practice, as may be imagined, grew extensive and varied, both in the State and Federal courts, and before committees of the Legislature. In his early years the bulk of litigation, as already intimated, was of a commercial character, a fair share of which fell to him. At a later period the investment of capital in railroads and manufactories, together with the creation of trusts, introduced new subjects of legal investigation and controversy, in dealing with which his acumen and practical good sense were of great value to his clients. Few causes involving property to any considerable amount have been litigated in that part of New Hampshire during the last half-century, in which he had not been retained of counsel. He was admitted to the bar of the Supreme Court of the United States, December 13, 1861, on motion of Hon. Edwin M. Stanton, and successfully argued one or two important causes before that tribunal.

The leisure moments of the life we are now contemplating found nowhere so constant and congenial employment as within the walls of the Portsmouth Athenæum,—an institution that owed its origin to a need, early felt in the town, of a substantial library for general reading. The act of incorporation limits the number of shareholders to one hundred: Mr. Hackett's membership dates from 1826, when ten years had converted the experiment into an assured success. A rigid, critical taste has uniformly governed the choice of

books, resulting in the present collection of fourteen thousand volumes unrivalled, it is believed, in quality by any general library of similar extent in the United States. The Athenæum building looked south upon the Parade, or public square of the town; and a spacious, old-fashioned apartment in the second story accommodated the library. The visitor, if need were, could rely upon the kindly aid of the late John Elwyn, an erudite scholar who spent the greater part of his life among these books (many of which were gifts from him), and to whom was accredited not only a familiarity with the precise location of every volume upon the shelves, but an exhaustive knowledge of its contents. Till within a few years (when a furnace was introduced, and other changes effected), the reading-room on the ground-floor presented of a winter afternoon or evening the picture of comfort, in the wood-fire that blazed upon the hearth, the arm-chairs that stood invitingly in semicircle, and the roomy stalls on either side the door as you entered, like those of a London coffee-house. Sir William Pepperell of Louisburg celebrity, and a trio of British admirals, rich in blue and scarlet, — Sir Peter Warren, Sir Charles Knowles, and Sir Richard Spry, all ruffled and belaced, and grasping sword or official spy-glass, — these, and other worthies of a bygone period, looked majestically down from the canvas in antique frames begrimed with years. Files of newspapers lay aslant on high red desks,

— staid and sober journals, such as "The National Intelligencer," "The Philadelphia North American," "The New York Courier and Enquirer," and "The Boston Daily Advertiser." And, as if they had strayed from some counting-room down by the wharves, there were long-legged stools, designed for the convenience of those who took their time to possess themselves of the current news and the editorial wisdom of the day. In this stronghold of conservatism one might almost gauge the popularity of each sheet by inspection of the hollows worn away in the floor in front.

It was the custom of the prominent business and professional men of the town, with a sprinkling of retired sea-captains, at the close of the business day to drop into the Athenæum for a social chat. Here local public opinion crystallized, and events both domestic and foreign came up for intelligent and temperate discussion. Here minds of diverse training and habits of thought got the benefit of mutual attrition, the scholar coming down from the library to compare his views with that of the man of affairs; and conversation took on the character of an interchange of ideas, never degenerating into mere idle gossip. Mr. Hackett could nearly always be counted upon to form one of this company; and what with his apt stories, his sensible comment, and his flashes of wit, few surpassed him in fine social qualities, while no one contributed more to the general enjoyment. One by one these gentlemen of

the old school passed away till he found himself almost the last survivor.

Mr. Hackett never abandoned the practice, begun by him when a law student, of writing for the press. At frequent intervals, during more than fifty years, his ready pen, sometimes for weeks in succession, enriched the columns of "The Portsmouth Journal" with thoughtful and timely articles that appeared as leading editorials; and this, too, when the field had not yet come to be occupied everywhere by the overshadowing presence of the metropolitan newspaper. In 1842 he testified the interest he felt in the temperance cause by assuming, in company with a few other gentlemen, the editorship of "The Washingtonian," — a sprightly sheet, the representative at Portsmouth of a class of publications that had sprung into existence all over the country in advocacy of moral suasion. At this post of duty, which required such occasional contributions only as his leisure could conveniently supply, he remained for about two years. It is characteristic of the man, that writing as he did while a moral crusade was at its height, and in a seaport town where the evils of intemperance presented their grossest features, he never once suffered his earnestness to betray him into the use of language in the least degree harsh or denunciatory.

In 1847, at the request of the family of the late Andrew Halliburton of Portsmouth, he prepared a memoir to accompany a collection, privately

printed, of that gentleman's essays. By profession a bank cashier, Mr. Halliburton was a man of considerable mental vigor, of fine literary taste, and of simple habits. The writer, having to deal with a life devoid of incident, ventures to make his sketch almost exclusively a critical analysis of character, and proceeds, with a confidence begotten of the closest intimacy, to lay bare the workings of Mr. Halliburton's mind, to weigh his motives, and formulate his rules of conduct. And it must be admitted that in the performance of this delicate task he has achieved remarkable success; though, as one reads, the impression deepens that the author is here unconsciously revealing much of his own character under the guise of that of his friend.

Credit is likewise due him for an interesting and valuable biographical sketch of the late Charles W. Brewster, to whom those who love the olden time are grateful for two delightful volumes of antiquarian reminiscences, entitled "Rambles about Portsmouth." This sketch, prepared soon after Mr. Brewster's decease, will be found prefixed to the second series of the "Rambles," published in 1869. With a free yet discriminating hand Mr. Hackett brings out the features of his lifelong friend so strikingly, that every future reader of these volumes may feel himself at once on the footing of familiar acquaintance with their genial and modest author. There is pleasure in the thought that one who

has so industriously peopled the canvas with noteworthy personages of the past two centuries is himself depicted by a master not less skilled in the art.

It was his fortune to furnish, year after year, obituary and quasi-biographical notices of friends or townsmen; and perhaps no individual of prominence in Portsmouth has passed away during the last forty years, that Mr. Hackett has not sketched the events of his life, and presented a kindly but just estimate of his character. To mark through a long stretch of years the growth and development of character, and to keep vivid in memory a record of his contemporaries, was a habit in the indulgence of which he found peculiar pleasure. The last personal friend for whom he performed the sad office of a parting tribute was Charles B. Goodrich, of Boston, formerly of Portsmouth. They were about the same age, had practised law together under similar circumstances; and Mr. Goodrich's death, which he keenly felt, preceded his own by a little more than two months.

To assign a date to Mr. Hackett's entry into the field of politics is to go back almost to the beginning of his law practice. In no State of the Union have the people engaged in fiercer political struggles year after year than in New Hampshire. The election for State officers is now held biennially in November; but previous to 1878 (when the change took effect under an

amendment to the constitution) every March witnessed the culmination of a long and exciting campaign, to whose result at the polls — since it was the first verdict pronounced by the people upon the winter session of Congress — there was attached a national significance. It is not strange that the lawyers, almost to a man, were drawn into the contest as leaders of their respective parties; and Mr. Hackett proved no exception to the rule. From 1828, when he enlisted in the young men's movement to support John Quincy Adams, down to the last year of his life, his name was foremost at Portsmouth as a Whig, and afterwards as a Republican leader. He was an efficient stump-speaker; and his party friends counted upon him in each recurring campaign to preside at meetings, or to make one or more political addresses in Portsmouth, or in the neighboring towns. He rarely (if ever) omitted to attend a caucus, and it is believed that there is no single instance of his having failed to deposit a vote upon the day of election. Any one at all familiar with the history of New Hampshire politics for the last fifty years will associate as party leaders in Rockingham County the names of Ichabod Goodwin and W. H. Y. Hackett. Beginning in 1852, when a change from town to city organization brought Governor Goodwin and himself into the same ward, these devoted friends, as regularly as the day of election came around, — State, Federal, or Municipal, — went to the polls in company,

and deposited their votes. Thus for twenty-six years did they testify in what esteem they held the right of suffrage.

The Whigs held their convention in 1838, to nominate a candidate for State senator for the Portsmouth district, at the little farming town of Hampton Falls, upon the anniversary of the birthday of Washington, and made it the occasion of a large and enthusiastic mass meeting. After the convention had disposed of its business, a procession formed, and moved with music to the meeting-house, where an oration was delivered by Mr. Hackett upon the political duties of the hour. Hampton Falls is proud of having been the birthplace and residence of Meshach Weare, chief justice of New Hampshire in 1777, the last president, and in 1784 her first governor under the constitution. "No eulogy," said the speaker, "can better describe the rare merits of Meshach Weare, or bestow upon them higher praise, than the simple statement, that, for nearly half a century, he was in all the offices of highest trust in the State; that he resigned that of chief magistrate, and that he died a poor man." Mr. Hackett addressed himself mainly to a survey of the personal qualities requisite to the proper discharge of public duties,—a line of thought wherein he displayed a clear conception of the theory of our republican form of government, and a familiarity with its practical workings. This effort, which bore the marks of mature reflection,

added not a little to his reputation as a sound reasoner and an able and conservative political leader.

The town of Portsmouth was a Democratic stronghold. The Whigs often complimented Mr. Hackett by supporting him for the Legislature, until at last, in 1850, they succeeded in electing him and Ichabod Goodwin as representatives. He was a member of the House also in 1851 and 1852, as well as in 1857 and 1860. After serving two terms in the Senate, he was returned to the lower branch in 1867, 1868, and 1869. When he first entered public life as a representative, important and growing railroad interests in the State specially demanded careful and far-sighted legislation; and he was fitly assigned to the Committee on Railroads, of which he afterwards rose to be chairman. Later he served in two Legislatures as chairman of the Judiciary, which practically gave him the leadership of the House.

In the public councils he inclined to conservatism. To an observer from without the State, the popular branch of the New Hampshire Legislature has always appeared unduly large; for, until a recent reduction of about seventy-five, it has, of late years, contained an average of three hundred and fifty members; and one House actually had three hundred and ninety-nine sitting members. There were, on the other hand, but twelve senators, now increased to twenty-four. While a high degree of intelligence and practical good sense is

sure to characterize each successive body of the representatives (some towns wisely sending for repeated terms their strongest and best-trained men), still it cannot be disguised that a deliberative body so large as to be unwieldy incurs a constant risk of legislating crudely and indiscreetly. Amid so many, there exists little sense of personal responsibility, except that here and there a member feels called upon the more vigilantly to stand guard against the passage of bills imperfectly understood, and perhaps detrimental to the public interests. To such an individual this duty presents itself more imperatively when he discovers that a Senate feeble in numbers cannot in some emergencies be relied upon to withstand what is apt to be interpreted as the popular vote of the House. Here Mr. Hackett rendered the State a signal service. He sat near the speaker; and no member was more constant or punctual in attendance. So long as the current of business was taking the right direction, he had no desire of appearing to control it: at those critical moments only when a salutary measure seemed likely to fail, or a mischievous one to be passed, did he feel it his duty to interpose. He perfectly understood the temper of the House; was brief, plain, and direct of speech; and he rarely failed to carry his point. As a law-maker he was not conservative enough to refuse to venture into new or untried paths; for he hastened to advocate measures that marked real progress in public

opinion; but empirical legislation went elsewhere for a friend. In fullest sympathy with the habits and modes of thought of New Hampshire people, he determined instinctively what was best suited to their wants as well as to their tastes. Nor did he neglect to consult their material prosperity. As an instance of his forethought, it deserves to be recorded that he it was who first urged upon public attention the importance of securing a complete survey of the undeveloped water-power of the State: he was also the author of the measure, approved in 1868, exempting from taxation for the term of ten years the capital of any railroad thereafter constructed in New Hampshire.

In 1861 he was chosen to the Senate by a handsome majority. Of the labors imposed upon the legislative branch of the government by the fast multiplying necessities of war, he met and performed his full share. Whole-souled in his devotion to the cause of the Union, he was foremost in upholding the vigorous action of the Executive. When a bill to aid in the defence of the country by raising troops came under discussion in July, and a Democratic senator had, in a long and elaborate speech, denounced the measure as unconstitutional, Mr. Hackett uttered the sentiments of a vast majority of the people of New Hampshire without distinction of party, in a vehement and logical reply. The following language appears prophetic, read as it now is in the light of history: —

"This rebellion is to be crushed, and the Union preserved. The senator is probably correct in believing that the government will be stronger after it has subdued the rebellion than ever before. Every true man must wish it to be strong enough to be able to fulfil its duties. Terrible as this crisis is, it was as inevitable as the American Revolution, and will in its results be as full of blessings. In the end, the rebels will find their level, and the loyal men will enjoy a lasting peace under a government of their own making."

Throughout the struggle Mr. Hackett was far more sanguine than his friends of our ultimate success. In his unwavering support of the government he did not content himself simply with assuming his proper share of the public burden. "Let each of us," were his stirring words at a great war meeting, "perform the first duty he meets. Do something for your country, and you will love it the better for what it may cost you." Suffice it to say that he met manfully the sacrifices which those of advanced years were called upon to sustain.

Re-elected in 1862, he was chosen president of the Senate. The session was busy and protracted, for serious work had to be done. "We cannot forget," said he upon taking the chair, "I am sure we shall not neglect, the duty which in this crisis of our country we owe to our National Government, whose power we have felt only in the blessings it has conferred." Mr. Hackett displayed a rare capacity for presiding over deliberative bodies; he not only readily despatched business, but brought to the chair a suavity and

dignity that were at once agreeable and impressive. When the customary resolutions of thanks were offered at the close of the session, it was apparent, from the remarks that accompanied them, that his brother senators meant something beyond what formal ceremony dictated. He responded in the following language of genuine feeling: —

SENATORS, — I offer you my grateful thanks for this proof that you have appreciated my efforts to justify your partiality in placing me in this position. The commendations which senators have been pleased to bestow upon my attempts to fulfil my duties are to me as agreeable as they were unexpected. They have taken me so entirely by surprise, that I am unprepared, in language suited either to the occasion or to my own feelings, to express the emotions they have excited. I shall carry from this chamber recollections, never to be effaced, of the kindness and courtesy which through the whole session each senator has extended to me.

I have been a gratified witness of the assiduity and ability with which you and each of you have performed the honorable trust which has been confided to you. Your deliberations have been as harmonious as those of honest and independent men ought to be, and you have faithfully done what was needful to guard the rights, and equalize the burdens, of a frugal people.

I had looked forward to this session with solicitude. The defence of the institutions of our country had occasioned, and was occasioning, the sacrifice of precious lives, and was imposing burdens upon a population unaccustomed to heavy taxation. My solicitude was for the sacrifice and not for the result. He who reflects that the theatre of this struggle is the North American Continent, and the question involved is, What principles shall shape its destiny? cannot long doubt what will be the issue. This result is prefigured by the significant fact that, when officers who had been elevated to positions of privilege and power betrayed and attempted to overthrow that

country which had honored and trusted them, no sailor or soldier was found to desert his flag. New Hampshire has done, and will continue to do, her full share in putting down this rebellion against the principles which peopled and prospered this country, — a rebellion which is favored at home and abroad only by those who claim more, or are content with less, than a government of equal laws ought to confer.

I cannot find words with which to thank you for your kindness; but at this moment of our parting allow me to express the earnest hope, that, upon reaching your homes, you may find those who will welcome your coming in the enjoyment of health and happiness.

The name of William H. Y. Hackett as a candidate for elector headed the Whig ticket for president in 1852; likewise the Republican ticket in 1864, when he cast an electoral vote for the re-election of Mr. Lincoln. Mr. Hackett was a delegate to the Republican national convention at Philadelphia, in 1872, that re-nominated President Grant, and was vice-president of the convention from New Hampshire. In his capacity as one of the oldest delegates present, Mr. Hackett called to order the convention that met at Concord in December, 1876, to revise the State constitution, and was made temporary chairman. Most unexpectedly to himself, upon an informal ballot for president, he received no fewer than one hundred and twelve votes: had he been honored with an election to that office, the compliment could hardly have proved more gratifying. The convention proposed no radical changes. Though attentive to the proceedings, Mr. Hack-

ett did not take conspicuous part in the debates; but his counsel was freely sought by his fellow-delegates, who yielded to his judgment and experience the tribute of their unfeigned respect.

One feature that heretofore has distinguished the career of lawyers in a new and growing country like ours, from that of their brethren across the water, is the readiness with which they have applied themselves to the encouragement and advocacy of large business enterprises that promise to develop the resources of the community where they are undertaken. Mr. Hackett was a man of sound and sagacious business views; and he did not hesitate to identify himself with every well-conceived project of a public character that gave reasonable assurance of future advantage to the citizens of Portsmouth. He had much to do with the opening of railroad communication with Boston in 1841, and thereafter was for a long series of years a director of the Eastern Railroad in New Hampshire, as well as the legal counsel of that corporation. With some modification, the same may be said of his relations to the Portland, Saco, and Portsmouth Railroad.[1]

He foresaw the importance of building a line

[1] At the annual meeting, June 2, 1879, the directors said, in their report to the stockholders, "We miss from our annual gathering to-day one who has been identified with the interests of the Portland, Saco, and Portsmouth Railroad from its earliest days, and to whose wise counsels and faithful services we are largely indebted for the present value and good condition of the property. Your directors think it only fitting that they

of railroad from the seaboard to the White Mountain region; was one of the projectors of the Portsmouth, Great Falls, and Conway Railroad; and a corporator mentioned in the charter which he was instrumental in obtaining. He was a director, and subsequently president, of this railroad. Mention need not be made here of several other corporations with which he was connected, further than to specify two, not however of a business character. At his decease he held the office of president of the South Parish Sunday School Association; and was trustee, as well as treasurer, of the Rice Public Library of Kittery, in Maine, just across the Piscataqua from Portsmouth.

In recognition of his attainments at the bar, and his literary tastes, Dartmouth College, in 1858, conferred upon him the degree of Master of Arts. The following year he declined an appointment to the bench of the Supreme Judicial Court, convinced that he ought not to surrender his practice for the salary of a justice, notwithstanding that the bar and his friends generally agreed that the honor had properly sought him. Among the kind commendations of the press which the situation evoked, an article in "The Democratic Standard," a strong partisan organ,

should record the name of the Honorable William H. Y. Hackett as one whose memory should be honored by us for his faithful and efficient services on the board, no less than it has been by his fellow-citizens of the State of New Hampshire, as one of her noblest sons and most distinguished counsellors."

published at Concord, became the subject of the following incident: One afternoon, as Mr. Hackett came into the Athenæum, Judge Odell playfully congratulated him upon his appointment to the vacant judgeship. He replied that it was the first he had heard of it, when the judge, taking up "The Standard," read aloud the complimentary reference to Mr. Hackett in connection with the office.

Mr. Hackett. — This is only a newspaper nomination.

Judge Odell. — True; but you can take no exception to the terms in which it is made.

Mr. Hackett. — Precisely: there's nothing in it upon which I can go to the Supreme Court.

No one essayed more zealously than he to foster at the bar a sentiment of brotherhood. The New Hampshire Bar Association, incorporated in 1873, chose him their first president, — an office vacated by his death. In 1876, at his suggestion, the association appointed a committee of one member from each county (of which he was made chairman), to collect materials for sketches of members of the New Hampshire bar from the earliest dates. His death, it is to be feared, closes the only source from which much of this valuable information could have been derived.

On the evening of the twenty-first of December, 1876, Mr. and Mrs. Hackett celebrated in a quiet but hospitable manner the fiftieth anni-

versary of their wedding-day. Friends brought sincere congratulations, and it was a subject of universal remark that the bride and groom of the golden wedding looked as if they had but just reached the prime of life. A physician, who enjoyed the reputation of having laid up a handsome competence, rallied the happy couple on their showing no signs of age. "Pray tell us, Mr. Hackett," said he, "how you two manage to keep so young." — "Pretty much as you've managed to be well off," was the ready reply: "the fact is, Mrs. Hackett and myself have kept about as clear of the doctors as you have of the lawyers."

His interest in the welfare of Portsmouth by no means confined itself to her material prosperity; but every sensibly conceived project — whether a reading-room to interest those who otherwise would idle away their evenings at the street corner, or some plan of embellishing the town, and making it more attractive to strangers, or the celebration of a holiday — was sure to receive the sanction of his hearty support. It was natural, therefore, that at public meetings his townsmen generally looked to him to preside. He was fond of the drama, and believed a judiciously managed theatre to be a blessing to the community. The chief local event of the winter preceding his death was the opening of a handsome and well-appointed Music Hall, designed for theatrical and other entertainments; and he took pleasure in pronouncing a brief address at

its dedication. The following extract exemplifies at once the liberality and kindliness of his sentiments: —

"This building is a credit as well as a convenience to our city. A community is known, to some extent, by the character and place of its amusements. This hall will exert a refining influence upon those who occupy it. It will serve, to some extent, as the place of our social re-unions; for we cannot come together in a well-arranged and well-ordered place of amusement, without quickening our interest, and deepening our sympathy with each other; we cannot in company and sympathy enjoy music and the drama, — those recreations which enliven, sweeten, and lengthen life, — without increasing our interest in and our respect for each other."

Of the subject of this memoir it may not be said that he ever formally retired from active practice: few lawyers do, who have grown gray in the profession, preserving their health and vigor unimpaired. He found happiness in the daily service of his clients; yet, not unmindful of the impatience with which juniors of the profession are wont to regard the old and successful leader who will not loose his hold upon practice, he sought at the proper time to convert a continuance at the bar into the source rather of quiet enjoyment than of extended labor or of special profit. One or two important suits engaged his attention, in which he could hardly avoid being of counsel; and consultations for advice were not infrequent; but the burden and heat of the day were over. He had outlived nearly every

associate at the bar of his younger days, and was now called to mourn the loss of his friend Daniel M. Christie of Dover, his senior by a few years,— a lawyer of rugged force and marvellous industry. In January, 1877, he writes: "I do not intend to try any more jury cases. I have just come from the court-house, where I made a speech upon the death of Mr. Christie, and was followed by Mr. Hatch. The chief justice replied."

Latterly the bank had occupied much of his thoughts, and he experienced an increased measure of satisfaction in the success that had attended its management. He had lived long enough also to witness gratifying signs of the healthful growth of the new savings bank, the plan of whose organization was mainly his, and whose line of policy he had carefully marked out. Of dishonesty in places of trust he writes (April, 1878): "Another defalcation. . . . It looks as if a certain percentage of men could not come in contact with, and have under their control, the money of other people, without stealing it. It is with regard to stealing as with all wrong: it begins with little irregularities, and ends in distraction. I always take off my hat to a man who prefers to wear an old coat rather than be in debt."

These latter days were cloudless and serene: indeed, it had been ordained that, to the close of a long life, the trials and afflictions which it is the common lot of man to encounter should visit

him in their gentlest form. In the language of Izaak Walton: "His aspect was cheerful, and such as gave a silent testimony of a clear, knowing soul, and of a conscience at peace with itself." Possessed of a good estate, the fruit of diligence and reasonable self-denial, Mr. Hackett was to all appearance free from the burdens of age. Peace and contentment sat at his fireside. Though almost every associate of his early manhood had passed away, the circle of his immediate family remained unbroken, and his declining years lacked nought of "honor, love, obedience, troops of friends." No one thought to speak of him as old. His complexion was clear, inclining to florid; his hair (which was of remarkable fineness) had scarcely begun to take on a faint tinge of gray; his carriage was erect, step elastic; his eye not dim, nor was his natural force abated.

Excellent as was his general health, Mr. Hackett from the age of thirty-one had been an acute sufferer from the "hay fever," whose annual recurrence he looked for about the twenty-third of August, and which disappeared only at the coming of the first black frost. So inflexible, however, was his attachment to home, that he chose year after year to endure this distressing complaint rather than obtain relief by living for the season at the White Mountains, distant a brief journey from Portsmouth.[1] In the summer of 1877, upon re-

[1] Mr. Hackett furnished Dr. Morrill Wyman, of Cambridge, with valuable material of which that distinguished physician availed himself

covering from a mild attack of gastric fever, he yielded to his physician's advice, and betook himself, at the first approach of the enemy, to Bethlehem, New Hampshire, where he sojourned in perfect security in the company of agreeable people, many of them exiled like himself not unpleasantly from home.

Change of air and scene, besides warding off the annual malady referred to, seemed at first to have imparted vigor; but before the winter closed there were ominous signs of failing strength. He said nothing of his condition, however, and kept up his daily occupation as usual, at the office and the bank. It now appears that there must have existed some organic affection of the heart. On the evening of Sunday, the seventh of July, he felt severe pains; the ensuing Wednesday a chill prostrated him, that might have proved fatal but for timely and skilful medical aid. Upon the return of consciousness the patient was most alarmingly weak. Day after day, with wonderful persistence, nature held out against the inroad made by this attack; and his physicians, upon consultation, expressed strong hopes of a final recovery. But at last it became evident that the system could no longer take nourishment.

On the morning of the ninth of August a change for the worse took place, and by noon he had begun to sink rapidly. He perfectly realized that

in the preparation of a monograph on autumnal catarrh (hay fever), published in 1872, — a work that at once took rank as of the highest authority.

the end was drawing near, and said, in a voice feeble but tranquil, "I had thought perhaps I might be spared a little longer." Already he had given a few directions, and now asked that each member of his family should come to his bedside. Peacefully he bade farewell to each in turn, counselling his children to live together in harmony. Upon his only grandson, Wallace, he bestowed the parting injunction: "Do no discredit to the name." As life ebbed slowly away, he whispered something so faintly that all that mortal ear could catch was the word "quiet;" then laying his head over upon his hand, as a little child would fall asleep, — he passed from earth to heaven.

The funeral from the church of the South (Unitarian) Parish was impressive, but, as he could have wished it, simple. The pall-bearers were Ichabod Goodwin, John Stavers, William L. Dwight, and Edward P. Kimball. He sleeps in the beautiful South Cemetery, where, upon a gentle eminence that commands a view of the noble river and of the ocean beyond, a plain stone bears an inscription only of his name and the date of his birth and death.

A PREDOMINANT feature of the life whose outlines have been thus imperfectly sketched is its uniform success. By this it is not meant alone that in a worldly point of view Mr. Hackett steadily prospered, but that he was successful in the larger and higher sense of having employed

to their best advantage the talents intrusted to his keeping. He seems early to have learned the lesson, that to be happy one must make himself useful; and that he is most useful who most faithfully adheres to settled rules of conduct based upon a due appreciation of his powers. With him the duties of life were indeed more than life.

His aims were high; yet he was no visionary. Warm and impulsive as were his affections, it is surprising to note under what steady control he kept his judgment. Thus striving to compass nothing that lay beyond the reach of his best endeavor, he avoided those failures that form so melancholy a chapter in most men's lives, and, with scarce an interruption, enjoyed that favor of fortune called by the world good luck, but which is after all little else than the almost sure reward of self-denial and patient industry. Success was no doubt due in the main to qualities developed by the severe yet invigorating discipline of early privation; and it is to be hoped that these conditions of robust manhood, happily prevalent in the country life of New England half a century or more ago, will not wholly have disappeared in the radical changes that have of late affected her population.

Though it was by his own unaided exertions that the subject of this memoir achieved position and influence, his bearing towards others was free from a certain pride of opinion and that air of intolerance not unfrequently observable in what

are termed self-made men. For himself, he sought content in the regular employment of his faculties; if he ever betrayed impatience with the method of living that another had adopted, it was with that of the professed idler. Yet he knew the world too well to commit the error of accounting the actively industrious as alone useful: believing that he who has

> "A mind
> That hungers and supplies it, and who seeks
> A social, not a dissipated life,
> Has business,"

he welcomed with a fine sense of their actual value the presence of gentlemen of leisure.

He was engaged, as we have seen, in the active practice of law for more than fifty-two years, — a term longer than that of any predecessor at the Rockingham bar. Loyal to his profession, it greatly pleased him that both his sons had freely chosen to adopt it as their own, as well as that his lengthening days permitted him to see an only grandson advanced in his studies at the Law School in Cambridge. It is just, therefore, that an estimate of his character should be made to rest chiefly upon his rank and attainments as a lawyer.

About the time of his coming forward in the profession, the "case lawyer" was disappearing; for, so long as the reports continued to aggregate few in number, it had not unreasonably been expected of the well-equipped practitioner that

he had familiarized himself with all the leading decisions, so as readily to cite each case from memory. Though Mr. Hackett could rely to an extraordinary degree upon his memory, he had early schooled himself to retain a legal principle as distinct from and without much regard to the case in which the court had laid it down. The law libraries of his student days were small in extent, and scanty facilities were granted to pursue a subject far in any one direction: at a later period, Mr. Hackett showed little disposition to surround himself with many legal treatises, or to keep abreast of the reports. Yet he was by no means neglectful of his reading. It is true he did not encumber his memory with a mass of undigested law: at the same time, no well-considered case precisely in point was likely to be omitted from his brief. While he may not be styled a learned lawyer, he was firmly grounded in the common law, comprehended always "the reason of the rule," retained a correct knowledge of decided points, and was quick to apply legal principles to a new condition of things. With him law was eminently a practical science; for he studied, along with the rulings of the courts, human nature and the ever-varying relations of society. The regions he explored were those likely to be travelled in the ordinary course of business, and he seldom deviated into those researches which chiefly attract the curious and the speculative. He pursued a legal doctrine to its results as

tested by the experience of every-day life, and so was forward to discover defects and the need of legal reform. The old common law system of pleading and practice still exists in New Hampshire, but it never made Mr. Hackett technical: on the contrary, his preferences leaned to equity jurisprudence, and he labored long and studiously in the ranks of those (and they were few) who succeeded at last in bringing chancery practice into favor at the bar of a State jealous of innovation. As Choate once felicitously said of equity, in commenting upon a similar trait in a brother lawyer: "To such a mind, and such tastes as his, its comparative freedom from technicalities, its regulated discretion, and its efforts to accomplish exact justice and effectual relief, possessed a charm, and had a value, far beyond that of the more artificial science, whose incompleteness and rigidity it supplies and ameliorates."

Though he reached a conclusion by rapid processes, he never decided in haste, or upon impulse. It was his wont to turn a question over in his mind before looking at the books, and he often felt instinctively what at least the law ought to be. This habit of reasoning for himself before calling in the aid of the later authorities intensified his tenacity of opinion to a degree, that in more than one instance the views of the court unanimously expressed failed to shake his conviction. It once happened, where a decision surprised and greatly disappointed him,

that the case did not appear in the next volume of reports, nor was it ever reported. One day rallying the chief justice, who had pronounced the opinion, Mr. Hackett expressed his readiness to make a bargain with the court, — the reporter should print his argument side by side with their opinion, and he would be more than content.

The earliest reported cause in which he appears of counsel was determined in 1827;[1] and from that time till his death (at which date the court were holding one of his cases under advisement), the fifty-three volumes of the New Hampshire Reports, together with the decisions of the Circuit and the Supreme Court of the United States, testify with what ability and with what fair measure of success he addressed the bench. As a speaker to the court Mr. Hackett was clear, logical, and earnest; he possessed to a good degree that first requisite of success at the bar, — the power of statement; he arranged his argument methodically, concentrating his efforts upon the few important points in controversy, and reasoned closely with some fertility of illustration, but without the least display of learning. He was dignified and sober in address; yet a strong sense of humor would not infrequently assert itself in the line both of his spoken and written argument, as witness these closing remarks in behalf of the defendants, in an important railroad suit: —

[1] Odiorne *vs.* Seavey, 4 New Hampshire Reports, 53.

"With one-twentieth of one side and no part of the other side properly before it; with the alleged official delinquents, the funds and corporate organization, which are the real subjects of controversy, and the instruments by and through which redress is to be afforded, out of their territorial jurisdiction, — this court is expected to afford a remedy, not against either persons or property in this State, but by one comprehensive decree consequent upon a full examination of the whole matter, to adjust all the disputes and differences now pending between the Eastern Railroad in New Hampshire and the Eastern Railroad in Massachusetts, and such disputes as these complainants by their bill have put in issue. Great as will be the labor of the court if it shall attempt to perform this complicated duty, it will be less than that of the counsel who undertake to find the authorities which impose it." [1]

Immediately upon coming to the bar he gained reputation as a jury lawyer. Quick to accommodate himself to the shifting phases of a trial, fair yet firm in his treatment of witnesses, animated and persuasive in argument, and prompt to aid the court by a lucid exposition of what he conceived to be the law, there were few counsel at any bar to whom a client could intrust his rights with a better assured sense of complete protection. He identified himself with his client to the extent of manifesting a warm personal interest in the struggle. By no means litigious, he seldom came to trial until after he had exhausted all reasonable means of settlement; but the contest once begun, he fought as if inspired with the sentiment, not

[1] March *vs.* Eastern Railroad Company, 40 New Hampshire Reports, 563.

only that he was right, but that his opponents were unutterably and hopelessly wrong. In addressing the jury he was neither colloquial nor declamatory, but fluent, earnest, and self-possessed; sometimes indeed a nervous tremor just perceptible served rather to fix the attention of the hearer than to distract it: late in life he confessed that he had never gone into a jury trial without dreading it. Rarely, if at all, did he refer to the copious notes taken of the testimony; but he marshalled the facts from memory, pressing with great force upon the jury every circumstance that could possibly tell in favor of his client. Nor did he proceed far before showing how unreservedly were his feelings enlisted; for dissimulation or sophistry was utterly foreign to his nature. He may have lacked some of the arts and graces of the forensic orator; the "marrow of persuasion" may not always have been at his command: but for skill in adapting language to the intelligence of the twelve men before him, for the determined vigor that drove home and clinched his argument, and for the tone of candor that marked every utterance, Mr. Hackett deserves to be remembered as an advocate who upon occasion rose to the height of true eloquence. The progress of the trial was almost sure to be enlivened by some flash of wit from him, especially if provoked by an attack from the other side. These happy repartees for the most part exist now only in tradition. The following

anecdotes, however, show that his zest for fun was that of a true lawyer: —

Upon opening a case brought in behalf of a landlord against a delinquent tenant named *Parent*, Mr. Hackett remarked gravely that his client had reached the conclusion that it was high time for the defendant to change his name or his habits; and, inasmuch as he saw little prospect of his doing either, nothing had been left but to begin a suit.

In the examination of a witness he was suddenly checked by the opposing counsel, who, stating his objection to the interrogatory, varied slightly its phraseology; whereupon Mr. Hackett exclaimed, with a significant glance at the jury: "Oh, no! I wouldn't hazard the verdict I expect these gentlemen to give me — by asking *that* question."

A brother lawyer having occasion to allude to the rather sudden disappearance of a witness who had been the captain of a merchant-vessel, remarked that he had "gone off in a tangent." *Mr. Hackett* (*sotto voce*): "Took a sea cant, I presume."

He was once trying a case before a judge who from time to time during the argument to the jury kept tipping back his chair at various angles in an attempt to find a more comfortable position. The experiments finally culminated in so extraordinary an attitude, that the seat of justice shot over backwards, and his Honor of a sudden dis-

appeared. Luckily no harm resulted, though it required some minutes for the bar and others present to recover that gravity of demeanor which the judicial presence, *rectus in curia*, is calculated to inspire. Mr. Hackett, before resuming his address to the jury, politely bowed to the resuscitated justice, and said, "If your Honor please, fortunately for my client it appears that it is not his counsel's argument, but the court, that has broken down."

An unusually full bar were awaiting the termination of a trial that had been tediously prolonged. Mr. Hackett, to while away the time, took a sheet of paper, and scribbled the following lines, which approvingly went the rounds: —

"James Bell talked a spell;
Ditto — Daniel Christie;
Joel Parker's getting darker, —
And Woods' growing misty."[1]

He could not wholly avoid criminal practice,

[1] Another bit of verse-making, though not of a legal character, is worth appending here. A citizen, who in some circles was no great favorite, had married a Miss *Mann*, and some years afterward, upon her death, took a second wife of the name of *Moore*. Just after each marriage respectively, Mr. Hackett wrote a verse as follows: —

I.

Poor A–B–C — the women hated
(Or so the scandal ran:)
With them he never could have mated,
And so he took a Man(n).

II.

The Man(n) at length departed,
And left him sad and sore —
Alone and broken-hearted,
Until he took one Mo(o)re.

though it was not at all to his taste. He was once employed to defend a sailor who, after generously patronizing the bar of a certain drinking-saloon, had taken occasion to quarrel with the proprietor, borrowing a bottle from the counter wherewith to carry on the fray. The latter was severely punished, and came into court with his head bruised in a style somewhat approximating to that picture of ruin required to be set forth in a common law indictment for assault and battery. All that counsel could hope to do was to secure, under a plea of guilty, as light a sentence as possible; and Mr. Hackett urged in his behalf that the prisoner had acted under the influence of liquor, — and poor liquor at that. "But, sir," said the Court, inclining to look upon this plea with little favor, "we are to consider the aggravated character of the offence. Your client admits he assaulted this man with a bottle." — "Yes, your Honor," quickly interposed the counsel, "we admit all that; but I beg you to remember that this man first assaulted my client with its contents." The Court conceded the point to be well taken, and Jack got the benefit of it in mitigation.

An honest old farmer, who had sat on the jury that brought in a verdict in favor of one of Mr. Hackett's clients, fell to talking, a year or two afterward, with Mr. Hackett, evidently thinking it necessary to proffer a word of explanation. "The fact is, squire," said he, "we shouldn't ha' been

so long a-givin' of you that case, but somehow or other there happened to be a couple of men on there who didn't know you at all: well, the rest of us, we just told 'em what kind of a man we knowed Squire Hackett to be; and we kind o' insisted upon it that we could depend 'xactly on what you said; — and so after that, you see, we all come round together."

He had no professional jealousy, but wished well of all his brethren. A most engaging trait of Mr. Hackett's character was his deep-seated affection and frankness; it was simply impossible for him to be thrown into daily contact with his associates at the bar, without becoming firmly attached to all who were worthy of his friendly adherence. As he came into court in the morning with the green bag that lawyers are accustomed to carry, no shake of the hand was more hearty or salutation more cordial than his. To the younger members of the bar he was kind and considerate, and some of his warmest friends became such in that relation. Perhaps no better illustration of this fact can be adduced than the following extract (which presents to some extent an epitome of his character as a practitioner) from a letter recently written by one of his former students, now a highly successful lawyer of Boston, — Stillman B. Allen, Esq.: —

"I was a student in Mr. Hackett's office for nearly two years, and I remember him as a faithful instructor, and from that time until his death as an honored and dear friend.

"He was a student all his life. He did not base his opinions or arguments simply upon the decisions of other men, but went deeper, and read the reports of home and foreign courts, with a view to learn the meaning and reasons for the decisions made; and from these he thought out and framed his own belief and arguments. He refused to try causes in the justice of which he did not personally believe, and though sometimes misled, or mistaken in the facts, his causes were always presented with an honesty of purpose and a confidence which won the attention and respect of the courts and judges before whom he appeared.

"Although an untiring worker, and more successful pecuniarily than any of his associates at the bar, he did not look upon his profession simply as a means of earning money, but as his place for doing good in the world. He always discouraged litigation, in many instances brought angry and contending parties to a settlement of their difficulties, and was the means of renewing many broken friendships.

"He was largely impressed with the equity and justice of matters intrusted to him, and I cannot remember an instance where he undertook to enforce or defend a case because it could be legally done, unless he also believed it to be just and right. Of course, he lost some clients by undertaking to decide the justice of their claims in advance of the courts; but his known integrity brought him many more. When he undertook a suit, his client knew that he believed it to be just, and went hopefully into the contest.

. . . . . .

"He believed in men, and, while not easily or often deceived, he trusted them. His cross-examination of witnesses was never made with the view to confuse an honest man, but only to bring the truth fully to light. He was at all times courteous to younger members of the profession, and never took advantage of their want of knowledge of the rules of practice, but was ready to help them over such difficulties, and to try their cases on their merits." . . .

Says a gentleman who once practised law by his side: —

"A noble trait in his character was his freedom from the spirit that prompts, and his abstinence from the practice of, *detraction*. I saw him daily for several years, and frequently in later years, and not seldom was I admitted to what may be regarded as the confidences of unrestrained intercourse; but at no time did I ever hear from him any thing that savored of personal criticism of any individual in Portsmouth or elsewhere, in regard to private character. Public men, or the acts of public men, he commended or condemned when he thought the occasion demanded; but I do not remember to have heard him impugn the motives of any public man or of any private man or woman. When he could not approve, he was silent. Of course, to this must be excepted such occasions in the discharge of his professional duties as required him to call attention to facts sworn to in court, or to just inferences from such testimony."

Upon the whole, it may be emphatically said of Mr. Hackett, that he attained that full measure of usefulness in his day and generation which is vouchsafed to the able and upright lawyer. For more than half a century, with singleness of purpose, he served his fellow-townsmen as counsellor, advocate, and friend, living a life "adorned by consistent principles, and filled up in the discharge of virtuous duty."

To banking Mr. Hackett had given his best thought; and the uniform prosperity of the corporations under his charge attests the soundness of his judgment upon financial subjects. Thrown at an early age upon his own resources for a livelihood, he recognized the paramount duty of laying

betimes the foundation of at least a moderate fortune. He made no haste to be rich, and studiously avoided every form of speculation; for he set a higher value upon the discipline that insures the slow but steady accumulation of wealth than upon the possession of wealth itself. He saw that as a general rule they are of little use or influence in a community, who arrive at middle age untrained in habits of prudence and self-denial, — habits needful equally to build up a fortune, or to take care of it, whether earned or inherited. He used to say that it was the duty of a lawyer to live frugally, and by making none but legitimate and safe investments, to keep his mind free from disquiet about money matters: thus only could his clients reap the benefit of what they had a right to expect, — the full vigor of his intellectual powers, fresh and elastic. Observation taught him likewise with what rapidity and enormous power interest accumulates, — a lesson that, strange to say, few seem to learn. Little by little he came to understand the science of investing money, not only as a means of improving private fortune, but in its wider influence upon the community at large, and upon the national credit. He was consulted by many in various walks of life, seeking advice what to do with their savings, whom he encouraged by his kindly manner, and to whom he freely accorded the benefit of his long experience: indeed, he took special pains to induce working men and women

of slender means to lay by something as a deposit in the savings bank. It is safe to say that seldom has a single individual in any community done more by example, by private counsel, and by public lecture, to impress upon young people the principles of economy and of sober living.

A word or two only as to Mr. Hackett's connection with politics. That a gentleman of acknowledged ability, who for years acceptably served his party, and who, in both branches of the Legislature, evinced such aptitude for the conduct of the public business, was not advanced to some post of yet higher distinction, may occasion surprise to those who did not know him well. In explanation it is to be remarked that, although public service was not distasteful to him, Mr. Hackett was far from being a politician. Political leadership, to be sure, was accorded him; but a politician in the sense of seeking to promote the interests of this or that set of men, least of all his own advancement, he never was. He detested selfishness in politics as much as anywhere else. Whatever may be thought in these later days of the rule that the office should seek the man, he acted upon it rigidly; indeed, it is by no means certain that he did not err in being over modest. Upon more than one occasion, friends inspired with a purpose of bringing his name forward as a candidate for the chief magistracy, viewed regretfully his determination to take no step whatever in furtherance of their efforts. And yet he was

well fitted to wear such honors: besides, a growing public sentiment in that section of the State had associated his name with the office as the choice of the party. As for a seat in Congress, his love of home and of a quiet life, to say nothing of his reluctance to break up his law practice, set at rest ambition in that direction. To each public office that he filled it may be said that he had been literally called; and he performed its duties free from a thought of making it the stepping-stone to something beyond. At each post he was animated with the same sentiment that prompted him to consent, at an age well beyond the allotted threescore and ten, to serve for an annual term as an alderman of the city of Portsmouth, — an office exacting in its requirements, and to which there was attached no compensation, save the reflection that in assuming this burden he was rendering a service to his fellow-townsmen, which perhaps (such then was the peculiar posture of affairs) no other individual could so well have done. The record of his public life taken as a whole satisfied, we may be sure, his reasonable aspirations. In declining to enter upon a wider field of action, he exhibited the same practical wisdom elsewhere so fruitful in happy results, and escaped those vexations and disappointments which are so often the price of political distinction.

Of his love of reading it seems hardly possible to speak in terms of exaggeration; for a good

book was his constant and cherished companion. Biography was his chosen study; and years of diligent application had familiarized him not only with the lives of distinguished men, but with their published letters and ana. His excellent memory enabled him to preserve ever afterward a distinct impression of the character of each individual in turn; so that the estimate he had formed of the relative claims of great men to our admiration and esteem was far more just and exact than could be expected of the ordinary reader, in whose mind the pages of to-day secure a lodgement only at the price of effacing much, if not quite all, that has just preceded them. Poetry and novels lost none of their charms upon him; Goldsmith being his favorite poet, and of prose writers, Scott. He seemed never tired of praising Lockhart's "Life of Sir Walter:" indeed, he greatly admired the Scotch character, and had all the intimacy of such acquaintance with Edinburgh and its associations as can be obtained from books. His reading was almost exclusively confined to English literature; and he took a lively interest in the current publications of the day, rarely permitting himself to miss a single number of the foreign reviews. Of our own political history it is perhaps unnecessary to add that he had thoughtfully examined nearly every volume of consequence in that department to which he could gain access.

Though not an antiquary, he recognized the

fine flavor of an authentic bit of early history or biography; and in the range of local tradition his memory had treasured up a rich fund of incident and anecdote. Of late years he was frequently applied to for information about people who were passing off the stage half a century ago; and he could recall a name, or verify a date, from memory with apparent ease. His bright, clever sayings went the rounds of the bar; and he proved no exception to the rule that lawyers as a profession are good story-tellers. When Mr. Hackett related an anecdote (and he always had a pertinent one ready) his good humor and happy mode of expression insured a treat to the listener; and, while his conversation on any subject was interesting and instructive, it was specially entertaining whenever he indulged in personal reminiscences. With what felicity he drew upon this store of local anecdote to illustrate a point, the reader may infer from the following extract, which is the opening paragraph of a disquisition upon what turns out to be rather a dry subject: —

"At our last meeting a friend requested me to write upon the dangers of radicalism. Some years ago an embarrassed debtor applied to one of our money-lenders for a loan of a few hundred dollars, as he expressed it, 'to pay his debts with.' By way of seconding his application he added, 'I knew you were a careful man: so I have got Dr. Goddard to write the note, and I have signed it, and every thing is correct.' The other quickly replied, 'It would have suited my purpose better if you had written the note, and Dr. Goddard signed it.' Had I furnished

the theme, and my friend written the essay, it would have been better for the association, though it might not have been quite so well for radicalism."

We have seen that, like many a man in the full tide of professional success, Mr. Hackett managed to find time to employ himself in congenial tasks outside the routine of his daily work. He had a strong natural taste for letters, and had opportunity offered for its cultivation, it is not unlikely he would have left behind something of enduring value. What his industrious pen accomplished does not, however, fairly invite criticism, simply because he cannot be said to have entered the lists as a writer: he turned his hand to compose an essay, an editorial, or a brief memorial sketch, only by way of diversion, or because of a passing demand with which he felt impelled to comply. For the most part, he wrote impersonally, or for a limited circle of friends: in the only instances where he assumed the responsibility of avowed authorship the results were highly creditable. Whatever may be said of the merits or defects of his style, there can be no question that he exhibited rare capacity as a writer of memoirs. His observation was keen, searching, and accurate: as in reading biography he discerned between the lines the law of success or failure, so in contact day after day with his fellow-men he quietly outlined the true proportions of this or that person's character, reviewing the past, or an-

ticipating with almost unerring vision his future career. "His power of perception and appreciation of men's character," says a gentleman of some repute in literary circles, "deserves to be strongly stated. Take, for instance, his notice of ——. I doubt if there was much in common between Mr. —— and himself; yet the sketch shows a delicate analysis not at all common, and shows also a judgment quite independent and above the local feeling; for Mr. —— was laughed at by most, and misunderstood by all, in Portsmouth."

The art of letter-writing was not unknown to him of whom we are speaking; for he had learned to employ his pen before the system of fast mails and cheap postage had begun to rob correspondence of its distinctive features. Familiar letters, penned without suspicion of their ever falling beneath the eye of the public, reveal at times somewhat of the writer's actual self, for which we may look elsewhere in vain. Since it was in no wise irksome to him to write private letters, Mr. Hackett wrote a great many; but few, however, are now preserved. As a fair specimen, the following extract is appended, from a letter which he addressed many years ago to one of his sons, who had just been sent away from home to school at the age of fifteen: —

"I am glad to learn that you are in good spirits, and enjoy your school. It must be much easier to learn your lessons in a

school where you are pleasantly situated than if it were otherwise. . . . In regard to going to church I wish you to go to such place as suits you best.

"I am desirous, of course, that you should make good progress; but I do not wish you to make any extraordinary exertions, or to study too hard. I want you to enjoy being at school, and to walk, play, and read, as well as study. Take abundant time for exercise — health is of more importance than study. In addition to the play-ground, walking is not only pleasant, but healthful. If you can find an older and better informed young man than yourself, you will find walking in such company an interesting and important part of education. A great deal can be learned from a well-informed and pure-minded young companion in walks. One of the reasons why so-called educated people are really ignorant is because they study books, and study nothing else. When they take their post of duty, they gain neither fortune nor fame, because they do not know how to be useful.

"A young man, for instance, is to be a lawyer. He, of course, should not practise law until he has studied it, nor should he study it until he has finished his preliminary education. Still, all moral questions bearing on the rights and duties of man have a direct connection with that profession, and the careful consideration and discussion of those questions are educating him for his future occupation. So of the passions and principles which influence and control men: these a young student should see, observe, and consider. So of the causes which tend to the production and accumulation of property in individuals and communities, — those habits which strengthen and weaken the mental and moral powers: these, and subjects like these, tend as directly to educate and fit a young man to meet the labors and duties of life as mathematics, or Latin, or Greek.

"Besides, I am very anxious that you should cultivate the habit of declaiming. Do not do it as a drudgery, but learn to like it and to seek occasions to indulge the liking. Carefully analyze the sources of failure and success; avoid the one, and

cultivate the other. Take pains with the manner, and correct faults.

"Besides, at least once in a week write some essay. Let it be short, but composed of well-considered sentences. Be careful to cultivate an easy and graceful style. I think the 'Spectator' should be within reach; so that you could read one of Addison's or Steele's papers just before you begin to write. The best method which occurs to me of writing an essay is, once in a week, to write a letter to some one of your acquaintances, and after a few lines about yourself, and the school, etc., to write upon some theme. Do it deliberately, and not upon the jump, as I write you now, amidst chattering and interruptions. In this way you will find in a short time that you can with ease write, speak, or converse on many subjects.

"Another thing worthy of consideration; and that is, care to improve in conversation. I do not mean always talking by rule, but that the scope of conversation should be wide, with some care that there should be point in the thought, and correctness, and, when attainable, elegance in the expression. In doing this the freshness and really extemporaneous character of conversation must be preserved.

"But more than enough of this. I only make suggestions, leaving your good sense to be your guide." . . .

In person Mr. Hackett stood erect, and lacked but little of six feet in height. His frame was well built, inclining somewhat in later years to portliness. His features were open, strong, and regular: his Roman nose and firm chin might have given him a stern expression, had it not been for the large, pleasure-beaming eyes, or the gold-bowed glasses that he frequently wore when out of doors, and that lent an expression of benignity to his countenance. The engraving that

accompanies this volume is from a photograph taken at about the age of seventy, and may be relied upon as a faithful likeness; from this photograph also Tenney has painted two excellent portraits, one of which hangs in the Senate chamber of the State-house at Concord.

But these pages have already far transgressed their assigned limits, and must be brought to a close. There is no need to summarize the traits of Mr. Hackett's character: he had nothing to conceal, and what he was is plainly to be read, as is the lesson of his life. "Although far removed from my native place," writes an honored judge of an United States court, "I have never failed constantly to know of and to honor his unsullied purity, patriotism, generosity, and noble deeds. His was not only a life of eminent usefulness to his fellow-men and to his country, but it was adorned with all those noblest qualities to which we turn with just pride, and which endeared him most to those who knew him best. Proud of having been numbered among his friends, I would pay to his memory the tribute of my profound veneration, and earnest, sincere, and deep-seated affection."

Does this seem the language of studied eulogy? The youth struggling for an education has never forgotten the hand reached out to befriend him, or the words of kindly cheer spoken by a voice now hushed forever. As a great English

novelist, but lately entered into rest, said of his still greater brother: "I thought of this when I looked down into his grave after he was laid there; for I looked down into it over the shoulder of a boy to whom he had been kind."

II.

OBITUARY SKETCHES.

OBITUARY SKETCHES.

THE following obituary, which appeared in "The Portsmouth Daily Chronicle," upon the morning after his death, was written by his pastor, Rev. James De Normandie: —

The apprehensions which our whole community has felt for some time, that the illness of this distinguished citizen might prove fatal, grew only stronger when it was announced on Friday that his disease had assumed a more serious aspect. He sank rapidly but peacefully away, and died about four o'clock in the afternoon.

WILLIAM HENRY YOUNG HACKETT was born in Gilmanton, in this State, September 24th, 1800. He received his early education at Gilmanton Academy, then an institution of some note, and read law, — first with Matthew Perkins of Sanbornton Square, afterwards with Ichabod Bartlett of this city, — and began the practice of law here in January, 1826. On the 21st of December following, Mr. Hackett married Miss Olive Pickering, second daughter of the late Joseph W. Pickering, and immediately after occupied the house, No. 83 Congress Street, which has been his home to the present time. Many of our citizens will recall the happy celebration of the golden wedding, not quite two years since, when the couple, venerable but still unbroken by the experiences and cares of half a century, stood in the room consecrated by so many home associations, while children and children's children came to bring their offer-

ings, and the house was thronged with the few who could go back over the whole period, and the many who were friends of later years.

Soon after coming to the bar, Mr. Hackett was elected a director of the Piscataqua Bank, — an office he held until he became president; and this latter position he retained until the affairs of the bank were closed. He was then elected president of the Piscataqua Exchange Bank, and held that office for twenty years. In the winter of 1863, being in Washington as counsel in an important suit in the United States Supreme Court, Hon. Salmon P. Chase, then secretary of the treasury, requested him, upon his return to Portsmouth, to establish a national bank. He did so, and this was the first national bank of this city, and also of the country; he became its president, and was at the time of his death.

Mr. Hackett was also president of the Piscataqua Savings Bank, recently organized, the oldest trustee of the Portsmouth Savings Bank, and a director in the Portland, Saco, and Portsmouth Railroad. He has frequently represented the city in the Legislature, has been president of the New Hampshire Senate, was a member of the recent convention for revising the State constitution, and the oldest practising lawyer of the Rockingham bar.

Mr. Hackett had an easy and pleasant manner of speaking, which made him the first choice as a presiding officer upon all public occasions; and for many years no one has had kinder or more just and acceptable words of eulogy for associates who have earlier been called away. His reading and studies have been directed in the line of historical and biographical research, and his conversation abounded in interesting reminiscences of many who long ago were prominent in the business and politics of New England, and especially of New Hampshire.

While Mr. Hackett must be greatly missed by our active community, nowhere can his loss be more felt than in the South Parish of this city, where his constancy, his punctuality, his careful attention, and his unswerving loyalty to his successive pastors, have made him always a prominent and cherished

member. When, as a young man, he came to Portsmouth, and was not quite decided which church he should attend, he heard one day in a company the preaching of Dr. Parker so severely criticised for the emphasis it laid upon a true life rather than a correct creed, that he thought to himself he should like to hear this clergyman preach who was so greatly denounced. The next Sunday he went to Dr. Parker's church, and from that time until his death, unless out of town or seriously ill, was hardly once absent from his accustomed seat.

For an unusually long life he has been an example of industry, diligence, fidelity, temperance, success in all public duties and private relationships; of uniform kindness and regularity; of unostentatious hospitality; of one who attained wealth, position, influence, not by a fortunate turn of speculation, but by persevering toil, — a representative of a generation fast passing away, which held that steady application to a chosen pursuit was a characteristic of all true manhood and all useful living.

It is long since we have been called upon to notice the decease of one so widely and well known in our community, or whose death will be felt in so many circles, — one more justly honored or more worthily regretted; and of what this loss is to that quiet home circle we may not speak. It is greater to us all, because of that activity of life which has given no impression of the inroads or feebleness of old age. In undecayed vigor of mind he asked for his children and his children's children, and with calmness and confidence spoke a parting word to each one. We may be grateful for what this long life has brought with it, and that, before increasing infirmities and disabilities came, which would have kept him from chosen activities and been to him a constant weariness, he has been gathered to his people.

There were few friends at Portsmouth to whom the subject of this memoir had been longer or more closely attached than the late Honorable Richard Jenness, at whose death in 1872, Mr. Hackett, through the columns of "The Portsmouth Journal," paid a warm but just trib-

ute to a character remarkable for breadth of observation and for indomitable energy. It was left to the son, John Scribner Jenness, Esq.,[1] of New York City, gratefully to requite this service by contributing to the same newspaper, of date August 17th, 1878, the following sketch:—

There is a deep sense of loss in our community. In the decease of the Honorable William Henry Young Hackett, it is everywhere felt that a good and useful citizen has been taken away, a strong prop has been displaced, an ancient and stable reliance removed forever. What a large part, we now reflect, has been filled by our late distinguished citizen among our people! what various duties has he honorably discharged! what a noble and profitable example has he afforded of uniform kindliness and courtesy, and of an unsullied probity, during the whole career of a long life! As we meditate, the true figure of our departed friend rises on the memory to attract our esteem, and to arouse an honest pride, even while it deepens our heartfelt regrets.

The deceased was born at Gilmanton, in the first year of the present century,—a rugged, sterile township, where little could be raised beyond that sturdy crop of energy and enterprise which has everywhere enriched the sons of New Hampshire. The young man, having received a good education at Gilmanton Academy, early developed a taste for the profession of the law. While a student, he happened to attend the trial of a cause at Gilmanton, in which our former townsman, Hon. Ichabod Bartlett, was one of the counsel; and he was so deeply impressed by the adroitness, wit, and eloquence of that distinguished advocate, that he resolved to follow him to Portsmouth, and seek admittance to his office. With a very slender purse, the young man crossed the country, partly on foot, and reached Portsmouth in April, 1822. He was received as a student into Bartlett's office, eking out his scanty means during his novitiate

[1] Mr. John Scribner Jenness died August 10th, 1879, at "The Wentworth," Newcastle, New Hampshire, while these sheets were passing through the press.

by keeping a school, and was admitted to the bar in January, 1826. In December of that year he married Miss Olive Pickering, second daughter of the late Joseph W. Pickering, Esq., and took up his residence at the dwelling-house on Congress Street, where he lived until his death. Two years ago the venerable couple, surrounded by an unbroken family, celebrated their *golden wedding* in the same rooms where they had held their nuptial festivities.

When the young aspirant entered the bar, he found in the profession an array of men of very superior talents. Jeremiah Mason was there, and Levi Woodbury, Frank Pierce, Ichabod Bartlett, Nathaniel A. Haven, Jr., Edward Cutts, and several others, who adorned the high ranks of their profession. To compete with such men as these was indeed an arduous task. But the elastic spirits and tireless energy of the Gilmanton youth never failed him in the struggle; and it was but a short time before he acquired a substantial practice, which continued to increase upon him so long as his other avocations gave him leisure to accept it.

Mr. Hackett's mind was essentially prompt and alert; his perceptions were unusually acute; he had a quick discernment of human character, an experienced knowledge of affairs, a common-sense sagacity, which at the trial of causes he more confidently relied on, perhaps, than on the profound study of cases and precedents. He was a ready, fluent speaker, who knew how to state his case clearly and to present it to the best advantage. An ambitious young man thus fully equipped could hardly fail to gain prominence, even among those great intellects of his contemporaries.

His practice during the half-century he was at the bar was very multifarious, embracing cases at common law and equity, at *nisi prius* and *in banco*, in probate and in admiralty, in the State and in the Federal courts. Many of these cases involved large interests: indeed, we may add that very few cases of importance have arisen for many years in our community, in which his name as counsel does not appear upon the one side or the other. He did not, however, regard a lawsuit as a sort

of intellectual entertainment, though such had been the idea of the preceding generation: he regarded it and treated it as a mere business matter. His design always was to assert or protect the real interests of his client, without seeking occasion in the courts for the vain display of oratory; and his clients had reason to be thankful to him in the general success which crowned his efforts in their behalf.

Mr. Hackett early entered public life. Even before his admission to the bar, he had served, in 1824–25, as clerk of the State Senate. In 1828 he was an active member of the Young Men's party, which supported the Adams administration against the thickening assaults of "Old Hickory." But, as is well known, the Whig party were utterly routed in that great contest, and for the ensuing twenty years the State fell into the hands of the Democracy. At length, the old issues having died out, the Whigs began to regain the ascendency. In 1850, and for a number of years afterwards, Mr. Hackett represented Portsmouth in the Legislature. In 1861 he served as State senator from the First District, and the following year (1862) he was chosen president of the Senate. He proved an excellent presiding officer, and secured the entire confidence of that body, without distinction of party. He was an earnest supporter of the government during the great Rebellion. In a speech made in the Senate July 20th, 1861, he declared emphatically, "This Rebellion is to be crushed, and the Union preserved. The government will be stronger after it has subdued the Rebellion than ever before. Terrible as this crisis is, it was as inevitable as the American Revolution, and will in its results be as full of blessings." With these sentiments he did all in his power, both in the halls of legislation and in the rostrum of public assemblies, to stimulate the people, and strengthen the hands of government, for the vigorous prosecution of the war.

Our limited space hardly permits us even to enumerate the various town and city offices he from time to time accepted, or the party conventions he attended, or the party committees he constantly served upon. But though his services to his party were unremitting, yet he was never a bitter partisan.

His friendly temper was not soured by party differences. There was really no narrow bigotry in his well-balanced mind. His politics were naturally cautious and conservative, and as he acquired a large estate in the community that tone of mind deepened. But, though his political convictions were strong, he never knew how to hate heartily an opponent; and in return his opponents, while they deplored what they considered his errors of opinion, always respected his honesty.

Amid these public services and the cares of a large law practice, our lamented townsman found time to pursue those literary studies for which he had a keen relish. In *belles-lettres*, particularly in memoirs, biographies, historical reminiscences, and the like, his reading was extensive. Such books, for instance, as Boswell's "Johnson," or Campbell's "Lives of the Lord Chancellors" and "Chief Justices," were great favorites with him, and in this kind of writing his own pen was very felicitous. As it was his fate to survive nearly all the friends of his youth, he was called upon as one by one fell away to write their memoirs and obituary notices. In executing this friendly duty he displayed a particular excellence. His biographical sketch, for instance, of Charles W. Brewster, printed among the "Rambles about Portsmouth," is a fine specimen of his literary skill. His memoir of Andrew Halliburton, prefixed to a collection of that gentleman's Essays, is a model in that kind of composition. Clear and epigrammatic in style, with well-chosen language and a pleasing cadence of structure, the piece displays much nice discrimination of character, and abounds in just and judicious reflections. Another fair specimen of his writing may be found in his sketch of John Jay, published in "The American Whig Review," 1845. Numerous were the literary clubs and educational institutions of which he was a member; but we can only refer here to his connection with the New Hampshire Historical Society, of which he became a member as early as 1835, vice-president in 1860, and president from 1861 to 1866, and for which he always felt a warm interest. In recognition of his literary services and acquirements, the degree of A.M. was conferred on him by Dartmouth College.

It was the business of banking, however, which chiefly engrossed his attention during the later years of his life. Chosen into the direction of the Piscataqua Bank in 1827, he remained closely attached to that institution and its successors, — the Piscataqua Exchange and the First National, — until his death. For many years he had been president of these corporations, as well as of the Piscataqua Savings Bank, and a trustee of the Portsmouth Savings Bank. In the management of monetary institutions he was always successful. The rapidity and accuracy of his intuitions here found full scope, and they were amply rewarded. A considerable portion of his ample estate arose from his skill and prudence in the management of these moneyed corporations.

Among his many other important business employments we will only mention his presidency of the Portsmouth, Great Falls, and Conway Railroad, and his directorship in the Eastern Railroad in New Hampshire, and in the Portland, Saco, and Portsmouth Railroad.

Mr. Hackett's life, we perceive, was a very full and busy one; but, nevertheless, he found time for the interests of morality and religion. For some years of his life he was corresponding secretary of the Peace Society. Shortly after his arrival in Portsmouth he attached himself warmly to the South Parish Church, then under the ministrations of Dr. Parker, and he continued one of its most active and efficient members during the remainder of his life. The venom of religious bigotry and fanaticism never poisoned his nature; but his views on this great subject were broad and liberal. Creeds and platforms were to him of little or no value. His practical wisdom regarded only the fruits of professed religion as evidence of its sincerity and value.

In his daily intercourse with his fellow-men he was always cheerful and courteous, and, though his feelings were naturally impulsive, it was rarely that he gave way to the display of passion. His mind was indeed in nearly all respects evenly balanced, and stopped far short of excess in any part of his life or character. A devoted husband, a kind father, a faithful

friend, a useful and honorable citizen, how many are there to lament his loss! how many to profit by his example! His long life was a good one, and a serviceable one in many various ways. In his last sickness, as he recalled the passages of his life, he was borne up by the consciousness that he had won an honorable place among his fellow-men; and one of the last sentences he uttered was to his grandson: "Do no discredit to the name."

At the beautiful funeral service performed over the body by his friend, the Reverend James De Normandie, a noble Arabic hymn was read, entitled "He who died at Azan," a verse of which we quote, as being so expressive of our departed friend's assurance of the immortality of the soul: —

> "While the man whom ye call dead,
> In unspoken bliss, instead,
> Lives, and loves you; lost, 'tis true,
> By such light as shines for you;
> But in the light ye cannot see
> Of unfulfilled felicity, —
> In enlarging paradise,
> Lives a life that never dies."

III.

PROCEEDINGS OF THE BAR AND COURT.

PROCEEDINGS OF THE BAR AND COURT.

At the October trial term, 1878, of the Supreme Court, held at Portsmouth (the Honorable Isaac W. Smith, Justice), the members of the Rockingham bar came together to take appropriate notice of Mr. Hackett's decease. The meeting was held on the 23d of November; and the following resolutions were unanimously adopted: —

Resolved, That the Rockingham County Bar regard the decease of the Honorable William H. Y. Hackett as an irreparable loss, alike to an extensive circle of devoted friends, to society at large, and to the Bar of which he was so long an honored and leading member.

Resolved, That while we point with just pride to the professional position of the deceased, we shall ever recur with still greater satisfaction to the personal qualities which endeared him to us, as a companion, a friend, and a brother.

Hon. William W. Stickney of Exeter, president of the bar, reported the resolutions to the Court as follows: —

May it please your Honor, — At a meeting of the members of the bar of the county of Rockingham, held immediately after the adjournment of the Court this forenoon, resolutions were passed in relation to the death of our late brother, William H. Y. Hackett, who recently died at his residence in Portsmouth,

and I was requested to announce his death, and present the resolutions, to the Court.

Mr. Hackett was long a prominent member of the bar in this county, having been admitted in the year 1826. I came to this county in 1827, and he was then in practice in Portsmouth. During this long period Mr. Hackett was engaged in the active duties of his profession, and enjoyed in an eminent degree the confidence of the community where he lived. In the practice of his profession he was distinguished for his attention and fidelity to the business intrusted to him, for his good sense and sound judgment in the management of his cases, and above all for his integrity of character. During his long practice no charge or suspicion was ever made or entertained against his honesty or fair dealing: he was earnest and energetic in his efforts to maintain the rights and interests of his clients; but no dishonorable or improper means were ever resorted to by him. In all the relations of life he maintained a high position, and his many social and estimable qualities endeared him to all who became acquainted with him. He was largely employed, and stood high as a business man; and many important trusts involving large amounts were committed to him, all of which were discharged with an ability and fidelity seldom equalled.

I now present these resolutions to the Court, and ask that they may be entered upon the records of the Court.

Hon. Albert R. Hatch said: —

May it please your Honor, — In rising to second the request of the president of the bar, that you will direct the resolutions we have adopted to be entered upon the records of the Court, I feel that I am unable to add any thing to what has been by him said so well, so truly, and so eloquently.

During the whole of my professional life, and for a period of nearly forty years, Mr. Hackett was my neighbor, and we were constantly engaged in the practice of the law before the same tribunals. I knew in him an upright and able lawyer, an

agreeable companion, and a kind and constant friend. Circumstances caused us to be almost continually employed upon opposite sides of a large part of the litigation in this vicinity; yet though I have had ample cause to respect and fear his learning, his acuteness, and his eloquence, there dwells in my memory no occurrence which tended to diminish my regard for him as a courteous opponent and an upright and honorable man. If in the zeal of advocacy, or under the smart of disappointment, any unconsidered or unkind expressions had been uttered, such was his generous nature, that the recollection of the offence was never cherished for a moment, or interrupted the friendly relation that has ever subsisted between us.

Mr. Hackett was a man of great natural ability and of wonderful quickness of perception, to which he added an extensive knowledge of the law; and his large business was constantly conducted with unvarying fidelity to his clients, and most constant and persistent regard for their interests. If he had any fault, it was that the keenness of his apprehension and the readiness of his judgment led him sometimes to rely upon his conception of what the law ought to be, rather than to anticipate the slower conclusions of the tribunal he addressed. But he was a successful man, his part was well maintained; and his honors and prosperity were well deserved, and modestly borne.

In view of the certain limits which the wisdom of the Creator has imposed upon human life, we may not now be permitted to express more than our natural regret that a life so well filled, a career so long and so honorable, has come to its appointed termination. Yet I admit that it is with deep sorrow that I take final leave of a friend with whom I have so long associated. He was almost the last survivor of the members of this bar who were living when I was called to take part in its active practice. We who now stand before your Honor will be indeed fortunate, if at the end, whenever it shall come, we can compare our course with his, and look back to lives as well spent, duties as well performed, and be followed by respect and regret as well deserved.

John S. H. Frink, Esq., said he desired to add a word to what had already been said; not because ceremony or public expectation demanded it, but as a tribute to one whom he had loved and respected for many years. Said Mr. Frink: —

Some of the kindest words of commendation which encouraged me at the commencement of my professional life came from the lips now cold and silent; and mine was no exceptional case. Mr. Hackett always exhibited the same uniform generosity and kindness towards the younger members of the profession. He always had a kind word of praise for what was well done, and a generous word of apology for what was ill done, by a younger brother. He seemed never to forget his earlier struggles or his later successes. Few, indeed, in our profession, have attained the same success as he. Pecuniary reward, public honors, and, more than all, the esteem and love of his fellow-citizens, waited upon him.

His fortune was substantial, but well deserved; his honors were numerous, but apparently unsought; while he had in great abundance that which he seemed more highly to prize than all other gifts, — the commendation of those whom he met in the daily walks of life.

It may be asked, whether as a lawyer he deserved all these favors of fortune, which so often escape the most learned and brilliant. I think he did. There have been at our bar, during my day, more accurate and learned lawyers than he, perhaps, — and more logical and irresistible reasoners, but none more faithful to the interests committed to them, and but few more happy or fortunate in their presentation.

In the court-room he never abandoned his client's cause so long as a ray of hope for his success remained. Many private trusts were confided to him. I never heard of any abuse of the confidence reposed in him in these matters. His administration of this important branch of his practice was necessarily secret and confidential; yet it could hardly be possible that he should have been chosen as the custodian of so many large

estates if he had mal-administered them. We all know with what care he fostered the corporate interests committed to him: these prosperous institutions to-day attest his vigilance and prudence.

It never seemed to me that Mr. Hackett sought political honors, yet such as were tendered him he accepted willingly. They were often repeated, but not various. In every public position, however, to which he was called, he was an acknowledged leader. The secret of Mr. Hackett's success was, that he was a man of many abilities, and if he was not foremost in all, he certainly was not inferior in any. In the department of literature, outside the narrow limit of the law, he was a man of unusual taste, and more than considerable erudition. His fancy inclined him largely to biographical researches, and I know of no one leading so active and busy a life as he who acquired greater knowledge in this department. He was a facile and graceful writer, and some of his biographical essays were models of good taste and excellence.

As a companion Mr. Hackett was incomparable. He was accessible, familiar, and communicative, and never morose or ill-natured. It had been his privilege to know intimately the majestic Webster, the exact Mason, the learned Woodbury, and the brilliant Bartlett. With a rare felicity of speech and fund of humor, he would entertain you by the hour with reminiscences of these and other distinguished men whom he had known during his long and active career. I know of no man with whom I have ever spent a pleasanter hour than with Mr. Hackett.

Mr. Hackett lived to a ripe old age. He was "busy in these scenes to the very last plaudit." With him has passed away a man in every sense valuable to the community in which he lived.

His Honor Judge Smith responded as follows: —

GENTLEMEN OF THE BAR OF ROCKINGHAM COUNTY, — I am in full sympathy with the sentiments contained in the resolutions and addresses presented upon this occasion. Seldom is the

bar of any county in our State called to mourn the death of three of its members following so soon one after another. I last saw our deceased friend during the closing hours of the last term of this Court, when he in behalf of his brethren presented to the Court their resolutions upon the recent decease of Mr. Small. How little any of us then thought we should so soon be called to pay the same tribute of respect to his memory!

With Mr. Hackett I was well acquainted during the whole of my professional life. He was noted for his industry and for his fidelity to the cause of his clients; and his opinions were generally correct and reliable. Towards his brethren in the profession he was affable and courteous, and he commanded the respect of those who knew him best.

In his death we all feel that his city and the State, as well as the legal profession, have lost a prominent and valued citizen and lawyer. His ability, his integrity and industry in the discharge of the duties of private life, as well as when clothed with the responsibilities of office or in the practice of the law, gained for him the respect of this whole community. He was not a man who encouraged strife and litigation, but rather encouraged the settlement and adjustment of differences between men: he, in fact, helped preserve the peace of this community for fifty years.

He was permitted more than to reach the prescribed limit of threescore years and ten, yet his eye had hardly become dimmed, or his hand tremulous with age; while almost to the last his mind shone with the accustomed clearness and strength of the mature years of manhood.

His character seemed to possess a well-balanced soundness and fulness. He was, so far as I could judge, methodical and careful in his business; cautious, yet decided when the time for action came. He was affable and courteous in his speech and intercourse with others, reticent as to his own counsels, and truthful in action as well as in word.

The estimate placed upon his services as a public officer was best shown by the repeated calls made upon him by his fellow-

citizens to represent them in the councils of the city and State. Not often does it fall to the lot of any one to occupy a seat in both branches of the Legislature so frequently and so acceptably as he did. It may truly be said of him that he was a safe and successful legislator, and neglected nothing in the discharge of his duties. He formed his opinions from careful study and mature reflection upon the general principles which underlie our free institutions.

Into his bereaved home, and the relations he there sustained, we will not enter. Sufficient it is to say that those who knew him best loved and respected him most. By all who knew our deceased brother will his memory be cherished while memory shall last.

The resolutions presented will be entered at large upon the records of the Court, agreeably to the request of the Bar.

IV.

SELECTIONS

FROM MR. HACKETT'S WRITINGS.

THE LIFE AND CHARACTER OF JOHN JAY.[1]

THE American Revolution gave birth to a nation without a national government. A people exhilarated by successful resistance to lawful authority were called upon to become a law unto themselves, while both the glory and poverty incident to war conspired to distract them. When the war and its excitement had passed away, leaving no perceptible fruits but desolation and debt; when, with a country convulsed by the jealousies of great men, and discontent scattered broadcast among the people, the attempt was made to form a national government, — a crisis impended more fearful than that involved in the Declaration of Independence or in any of the battles which followed. Even to-day one trembles as he reads the record of the events which followed, though knowing how they terminated.

When a people whose only bond of union was sympathy flowing from a community of suffering, and resistance to oppression, voluntarily adopted a form of government making them one nation, and combining liberty with security; when the dis-

[1] Reprinted, in a condensed form, from The American Whig Review, July, 1845. This sketch and the papers that follow it are presented, not because they are thought to possess special literary merit, but because to a degree more than is common they bring before us the form and lineaments of their author; are impressed with his personality. He never gave them the benefit of his revision; and wherever the liberty has been taken of changing the text, a scrupulous care has been exercised to preserve the thought in its integrity.

contented avoided anarchy, and the ambitious yielded up their schemes of individual power, finding a remedy in peaceful submission to authority, — the crowning glory of the Revolution was consummated. As "he who ruleth his own spirit is greater than he who taketh a city," so was the adoption of the Federal Constitution a greater event than the renowned Declaration of Rights, or the victory which terminated the contest.

The country will ultimately take this view of the subject, and learn to venerate those extraordinary men who gave direction to public opinion, subdued local and individual jealousies, and from the chaos of jarring elements formed and established a government.

When great men are estimated by what they do for others, rather than what they accomplish for themselves, his country will have advanced to the standard, and will appreciate the character, of John Jay. When our country learns to consider duties as well as rights, and discovers, as it will, that internal passions need to be guarded against more than enemies from without; when it learns to bear and rightly to improve the trials of prosperity, — Mr. Jay will enjoy a popularity, not boisterous, but quiet, like the current of his life, and deep, like the principles that guided it. When the world seeks a model to live by, rather than a hero to worship, and intellectual selfishness shall give place to public spirit; when statesman and Christian shall have become synonymous terms, — then will this country be grateful for the example as well as the services of John Jay.

It does not lie within the range of our plan to consider the political opinions, but simply to narrate some incidents in the life, and sketch a few traits in the character, of this eminent man. John Jay was born in the city of New York on the 12th of December, 1745. His ancestors were protestants, and had been prominent enough to attract the persecuting spirit of popery, and firm enough to abandon country rather than religion. His grandfather, Augustus Jay, a native of France, came to this country in the latter part of the seventeenth century. Just before he emigrated he had made a voyage to Africa,

during which absence his father was compelled, on account of religious persecution, to abandon his property in France, and seek shelter in England. When Augustus Jay reached France, and learned the fate of his father, he had the good fortune to find a ship, upon which he embarked, bound to Charleston, South Carolina. On reaching this country he settled at New York, where, in 1697, he married Miss Bayard, one of whose ancestors, a Protestant professor of theology at Paris, in the reign of Louis XIII., had been driven from France by the Jesuit persecutions. Peter Jay, the son of Augustus and the father of John, married in 1725 Miss Van Cortlandt, whose ancestors had fled from similar persecution in Bohemia. The infatuation of the times forced to this country many good men of whom the Old World was not worthy, and whom the New so much needed. They brought with them principles, dearer for the sufferings they had occasioned, to which our institutions trace their origin. Such were the ancestors of John Jay, and this slender sketch of them furnishes the key to his own character.

Mr. Jay graduated at Columbia College in 1764, and at once entered upon the study of the law in the city of New York. He was admitted to the bar in 1768, and almost immediately acquired an extensive and lucrative practice. He soon formed a partnership with Robert R. Livingston (afterwards chancellor); but the connection continued only for a short time. In 1774 he married the daughter of William Livingston, governor of New Jersey. In May of that year, upon the receipt of the news of the passage of the Boston Port Bill, the citizens of New York held a meeting, at which Mr. Jay was chosen one of a committee to correspond upon the subject with the sister colonies. This committee was the first organized body in the New York Colony chosen to oppose those measures of the mother country which resulted in the Revolution.

In July following, Mr. Jay was elected a member of the Continental Congress, and wrote the address of that body to the people of Great Britain. For nearly four years he was either a

member of the Congress, or occupied a prominent station in his native State, exchanging one office for the other as the public exigency required. In 1778 he became a member of the New York convention to frame a State constitution, and made the draught which was adopted. Immediately thereafter he accepted the appointment of chief justice; and Livingston, his former partner, that of chancellor of the State. During this period Mr. Jay was a prominent member of the Committee of Safety, — a body which exercised undefined and nearly uncontrolled executive functions. Towards the end of this year, again having been elected to the Congress, he resigned the office of chief justice, although the governor had attempted to persuade him to retain both positions. Not long afterward Congress made him its president. To the Governor of New York, who wrote him, requesting a recall of his resignation of the office of chief justice, Mr. Jay replied, adhering to his resolution, as follows: "The Legislature may, perhaps, in consequence of this step, be induced to keep me in Congress. On this head I must inform you that the situation of my father's family is such that I cannot reconcile it to my idea of filial duty to be absent from them, unless my brother should be so circumstanced as to pay them the necessary attention." At the same time he wrote to his brother: "I am now to inform you that I have resigned the office of chief justice, and if the State should incline to keep me here, I shall consent to stay, provided either you or James will undertake to attend constantly to our good old father and his unfortunate family: otherwise I shall at all events return for that purpose. Make up your mind on this matter: if you cannot pay the necessary attention, prevent my election, and let me know your intention by the first opportunity." Arrangements were made which rendered this sacrifice unnecessary, and he remained president of Congress. This determination, however, more unequivocably attests his real greatness than all the appointments to office he ever received. An aspiring politician would have looked upon infirm and unfortunate parents as clogs on his hasty feet, and upon home as the last theatre for the exhibition of a lofty character.

No man ever filled high and varied trusts, or passed through exciting and trying scenes, with more loyalty to principle than did John Jay. Acting always from an opinion well considered and firmly fixed, his life has no inconsistencies to show. Though an early and constant friend of the Revolution, he exerted himself to moderate the resentment of the people towards those who had taken up arms against the colonies, and to meliorate the condition of such as were suffering imprisonment. One instance of this is so characteristic, and in such contrast with the times, that it well deserves mention. A New York gentleman who had accepted a royal commission found himself, by the casualties of war, made prisoner, and confined in the jail at Hartford. During his imprisonment Mr. Jay wrote him as follows: "How far your situation may be comfortable and easy, I know not. It is my wish, and shall be my endeavor, that it be as much so as may be consistent with the interest of that great cause to which I have devoted every thing I hold dear in this world. I have taken the liberty of requesting Mr. Samuel Browne immediately to advance you one hundred dollars on my account." No man more fully met the claims of country; but he recognized no duties in patriotism inconsistent with the demands of Christianity.

In September, 1779, Mr. Jay was appointed minister plenipotentiary to Spain, and during his stay in that country was made one of the commissioners to negotiate peace with Great Britain. Upon his arrival at Paris, — where, at the end of five years. he signed the definitive treaty of peace, — he found but one other commissioner (Dr. Franklin) on the ground.. As soon as the negotiations had opened Jay discovered that the American commissioners, in order to preserve their country's dignity and independence, would have to meet England not only without the aid, but in opposition to the influence, of France; that it had become his duty to resist intrigues on the part of the French court, and to disobey the instructions of Congress. This he did, although Franklin opposed it; while Mr. Adams upon his arrival concurred in the course that Jay had adopted, and Franklin ultimately gave it his sanction. In

this trying emergency, Jay's directness and honesty were more than a match for the arts of diplomacy. The courts of France and Spain were unprepared to resist a negotiator who frankly avowed his object, and set to work by direct means to reach it. Only a pure man would have taken this bold step: no mere politician could thus have secured the blessings of peace, without planting the seeds of future irritation and war.

Having accomplished the object of his appointment, Mr. Jay returned from Europe, in 1784, to find that Congress, notwithstanding he had disobeyed their instructions, had appointed him secretary of foreign affairs, — an office corresponding to that of the present secretary of state. This sufficiently indicates how Congress regarded the propriety of his conduct abroad. He accepted the position, although at this time solicited to become governor of New York.

In this new situation he soon felt the inefficiency of the Confederation, and he was led to open a correspondence with Washington and other leading men, upon the subject of forming a national government. The convention followed which framed the Constitution; but Mr. Jay's attendance upon Congress as secretary of foreign affairs prevented him from being a delegate. As soon as the Constitution was proposed to the people, a contest began, more important, and more doubtful in issue, as we have said, than even the war of the Revolution itself. Mr. Jay's continuous and efficient efforts to secure its adoption were felt in every State. His association with Hamilton and Madison, in writing "The Federalist," and the influence of those essays, are well known; but, in addition to his labors in behalf of the whole country, Mr. Jay and a few others were specially relied upon to bring into line the important State of New York. The exertions necessary to this result may be inferred from the fact, that when delegates were elected eleven favored, while forty-six opposed, its adoption. Of the former were Hamilton and Jay; and New York finally adopted the Constitution by a majority of three.

Encountering the prejudices of those who feared that it confided too much in the people, and those who thought too much

discretion was given to the government; of those who deemed it more important that they should be great than that their country should be happy; and of those who conceived freedom and security as in some degree incompatible, — the adoption of the Federal Constitution is the most wonderful event in our history. Mr. Jay's agency in producing this event is alone sufficient to establish his claims to the affectionate respect and exalted estimation of his countrymen. Greatness largely lies in understanding truth and duty, and in a rigid adherence thereto; and the same traits of character which prompted Mr. Jay's devotion to duty gave him confidence in his fellow-men, through which he put trust in a federate Republican government, — not a confidence which deifies man's passions, but which, in spite of them, sees in him an image of the Deity. Mr. Jay used to remark, that if men would never forget that the world is under the guidance of a Providence that errs not, it would save much useless anxiety, and prevent a great many mistakes. This trust was the foundation of his faith and success. Free from fear or doubt, whether during the struggles of the Revolution, the difficulties in negotiating peace, the conflicts over the Constitution, or the controversy to which his treaty with England gave rise, he never for a moment distrusted the result.

Washington, upon his election as President under the Federal Constitution, requested Mr. Jay to select such a situation in the General Government as he might prefer, — an offer which could have been made to no other man in the country, and which indicates the estimate that a keen discerner of character placed upon Jay. He accepted that of chief justice of the United States as the post rather of duty than of honor. In this office he effected much in allaying opposition to the Constitution, and infusing among the people a confidence in the new system of government. Upon the circuits he was everywhere received with demonstrations of respect and confidence. When he came to Portsmouth to hold his first court, the citizens gave him a public entry into the town, and upon his departure accompanied him some distance on his way.

Jay now held the second office in grade and importance under the government: its tenure was for life, and its emoluments could not be diminished; yet when those in whom he had confidence thought a check should be given the rising opposition in New York to the general government, and that this could be done by electing him governor, he at once consented to become a candidate. He was elected by the people; but the canvassers and the Legislature withheld from him the office. This action produced an excitement which endangered the peace of the State. Jay interposed, and told his supporters to yield to the constituted authorities: he admonished them not to violate by any irregular proceedings the principles they professed to support, but in asserting their rights to distinguish themselves no less for temper and moderation than for constancy and zeal. This line of conduct, so natural in a good man, while it calmed the excitement, deepened the affection for him in the State. He retained the office of chief justice.

Although in moderate circumstances, he was at the expense of keeping at school six indigent boys of Rye, the town where he had been brought up. This act of benevolence, unknown even to his family, was only revealed by letters found among his papers after his death, from a clergyman who had acted as his almoner. Another anecdote illustrates in him the vigilance of the magistrate and the kindness of the man. While he was governor, a blacksmith in his neighborhood had erected a house and shop upon the highway, so as to obstruct the public travel. Jay applied to him, saying that official duty would not allow him to let such a breach of the law pass unnoticed, and requesting him to remove the encumbrance. The blacksmith said he could not, for he had no land. Jay offered to give him an acre of land, or fifty dollars to buy land with. This proposal failing, Jay directed the appropriate law-officer to prosecute the blacksmith, and repeated his offer in the delinquent's behalf. When the Court compelled a removal of the incumbrance, Jay gave him the land to enable him to obey the order.

In 1794, in consequence of European wars, and depredations of Great Britain upon our commerce, all were expecting (and

many desiring) a declaration of war against that country, and our alliance with revolutionary France. In this the most trying exigency of his administration, Washington determined, in opposition to the wishes of a large portion, if not a majority, of the people, to keep his country out of the strife that was convulsing Europe. About this time a session of the Supreme Court called the chief justice to Philadelphia, then the seat of government. From the early days of the Revolution, Jay had been the confidential friend and adviser of Washington. The President now requested him to undertake a special mission to England. This to Jay was an unwelcome invitation; and he resisted it, until he saw that to decline would be to disregard the demands of duty. Writing to Mrs. Jay at this time, he says, "There is here a serious determination to send me to England, if possible to avert a war. The object is so interesting to our country, and the combination of circumstances such, that I find myself in a dilemma between personal considerations and public ones." Further on, in the same letter, he remarks, "This appointment is not of my seeking: on the contrary, I regard it as a measure not to be desired, but to be submitted to. If it should please God to make me instrumental to the continuance of peace, and in preventing the effusion of blood, and other evils and miseries incident to war, we shall both have reason to rejoice. Whatever may be the event, the endeavor will be virtuous, and consequently consolatory. Let us repose unlimited trust in our Maker; it is our business to adore and to obey."

It were a sufficient eulogy of any man to say that for such a mission he was nominated by Washington, opposed by Aaron Burr; that he saved his country from the devastation of war, and secured her commercial prosperity. He retained, it will be remembered, the office of chief justice during this period: for this reason he refused to accept any compensation as minister. Jay had never so reluctantly accepted an appointment; but persuaded that he had secured the permanent interests of his country, and had anticipated the ultimate judgment of the people, he entered upon the new trusts which awaited him on his return, with no fears for the fate of his recent labors.

Lord Grenville, the British minister whom Mr. Jay met in the negotiation, conceived for him a high esteem; and the subsequent correspondence between them exhibits the gratification they both derived from their joint agency in preserving to their respective countries the blessings of peace. Conscious that each had served his country and the cause of humanity, they could well bear the censure which they did not deserve. With the United States at peace and in security, the clamorous imputations upon Jay that reached him from every quarter seemed to calm rather than disturb him. We trust that whenever ambitious and short-sighted demagogues seek by aggravating popular prejudice to plunge a nation into war, there will again be found, in our own and other countries, strong and wise men to avert so great an evil.

Mr. Jay returned from Europe in the spring of 1795. Two days before he landed, he was declared elected governor of New York. The people, anxious to redress the outrage inflicted upon the State by disregarding on a former occasion their clearly expressed voice in his favor, had now given him a large majority of their suffrages. His arrival in New York was welcomed by an immense concourse of people and by the ringing of bells. He resigned the office of chief justice to accept that of governor. Although his predecessor of opposite politics had controlled the appointing power for many years, and although party feeling ran higher at the beginning of his administration than at any previous time in the history of the State, Jay, during his six years as governor, never once removed an officer for political reasons. So entirely in the spirit of the Constitution did he administer the office, that no effective opposition could be made to him, and he enjoyed a popular, rather than a party, support. The only act which seems to have excited much censure was his proclamation recommending "to his fellow-citizens throughout the State to unite in public thanksgiving to that Being through whose Providence the ravages of the yellow fever had been stayed." Upon his suggestion, the rigors of the penal code were softened, and the system adopted of employing convicts in industrial pursuits.

Jay had no fellowship with that expediency which allows a real wrong in order to avert a probable evil. Several incidents in his administration exhibit him in this light, only one of which we have space to relate. During the progress of the presidential canvass in 1800, Jay was known to be one of those who distrusted the party opposing the re-election of President Adams. The election had proceeded so far as to indicate a probability that the State of New York would hold the balance of power. The existing Legislature sympathized in opinion with Governor Jay; but it was regarded as uncertain whether the next, upon which in the ordinary mode of procedure the choice of electors of President would devolve, might not favor the opponent of Mr. Adams. In this state of things the governor was appealed to, by prominent men of his party, to convene the existing Legislature for the purpose of securing the appointment of electors favorable to Mr. Adams, as the only means (so they said, and no doubt thought) of preserving the Constitution. A distinguished gentleman wrote to him, urging a compliance with this request. After Jay's death, this letter was found among his papers, with the following memorandum in his handwriting: "Proposing a measure for party purposes which I think it would not become me to adopt."

Through life Jay was the uncompromising opponent of slavery. In his early years he was president of a manumission society, — a circumstance used by his opponents when he was a candidate for governor. Slavery at that time existed in New York, and for several years his annual messages urged its abolition. Through his influence an act for this purpose was proposed in successive Legislatures, until at last, in 1799, upon a fourth attempt, it passed both branches by decisive majorities. No measure of his administration had a more marked and favorable effect upon the morals, happiness, and prosperity, of the State.

In the latter part of the year 1800, towards the close of Governor Jay's administration, Chief Justice Ellsworth resigned; and Mr. Jay was again appointed chief justice of the United States. President Adams, in a letter urging him to accept this

appointment, remarked that he had no permission from Mr. Jay to nominate him to this office; but that it appeared to Mr. Adams, that Providence had thrown in his way an opportunity, not only of marking to the public the spot where, in his opinion, the greatest mass of worth remained collected in one individual, but of furnishing his country with the best security its inhabitants afforded against the increasing dissolution of morals. Upon another occasion Mr. Adams writes, "I have often said that when my confidence in Mr. Jay shall cease, I must give up the cause of confidence, and renounce it with all men."

Mr. Jay was now fifty-five years of age. He had never once sought office; yet for twenty-seven years, without a day's interruption, he had held some important public trust. Solicited to accept a re-election as governor, and to be re-appointed to the second office in the nation, we find him hesitating, not as to which was the better position, but whether consistently with the claims of the public he could retire to private life. This question he examined as carefully, and endeavored to meet as impartially, as if it had been a judicial one. After mature deliberation he decided that duty did not require him to accept the office of chief justice. It was afterwards, as is well known, conferred upon the late Chief Justice Marshall of Virginia. He also declined re-election as governor, and retired in 1801 to private life, carrying with him reflections such as have rarely sweetened the retirement of the world's great men.

It is evident, from the manner in which he filled them, that Mr. Jay accepted public trusts as a duty. That he looked upon office in no other light is evident, too, from the fact that in the prime of life he declined most important and honorable trusts. He relinquished public employment, after a service of more than a quarter of a century, as pure as when he took it. His retirement astonished those who did not understand the motives which had always governed him. From the exciting scenes in which he had been a prominent, successful, and honored actor, he withdrew to a country residence at Bedford, about fifty miles from the city of New York, and three miles from the post-road, where the mail then passed but once a

week. To a friend inquiring what could Mr. Jay do in such a place, he replied that he had a long and busy life to look back upon, and an eternity to look forward to.

How different the retirement which Jay sought from that to which Bonaparte was forced soon afterward! He who in his youth resolutely determined that "ideas of filial duty" should govern his conduct, whatever became of ambition, found about him in the decline of life the same sense of filial duty exemplified in his children. The ripened fruits of a well-spent life surrounded him. There were no unfinished plans of ambition to regret, no wreck of selfish purposes to mar the retrospect; nor did neglected duties, abused powers, or betrayed confidence, arise before him to cloud his serene view of the future. Bonaparte, on the contrary, while ruler over half of Europe, was as effectually exiled from those sympathies, affections, and duties, which make up the deep course of life, and constitute its happiness, — as when confined upon a solitary rock in the ocean.

Mr. Jay now divided his time between agricultural pursuits, his books, and his friends. Though no longer in public life, he had not retired from usefulness. He connected himself with several agricultural societies, served as president of that in his own county, and was zealous in introducing among the people the various improvements in farming. He also took great interest in the prosperity of the Episcopal Church, and for many years was president of the American Bible Society. He continued to keep up a correspondence with distinguished men both of this country and of Europe. His letters, disdaining the selfish, and appealing to the lofty in human life, exhibit the power of truth and the beauty of simplicity, together with an unshaken faith in Christianity.

The attractive trait in Jay's character is the constant ascendency of duty over self-interest. He christianized politics and diplomacy. His country he loved too well, and served too truly, to seek any thing for her by artifice. In public station, the bearing which a line of policy might have upon his personal prosperity he never once considered. As president of the society to manumit slaves, of the American Bible Society, or

of Congress, upon the bench, at a foreign court, and at his own fireside, he was always the same man. There were in his nature none of the attractions or the foibles of brilliancy; nothing striking, indeed, except its completeness and purity. He was free from the breaks and fragmentary aspects of what the world has agreed to call genius; free from the faults and contradictions of ambitious impulses; free even from the partisan zeal for his country which would sustain her with equal efforts, whether right or wrong.

Jay was wanting in many of those accessory aids which often facilitate the elevation of great men. He was never "a man of party." In the common acceptation of the word, he had no ambition, nor had he enthusiasm. His power lay entirely in the soundness of his principles and the even tenor of his life. He trusted to the judgment of the people, and developed in the public mind the trait itself to which he appealed. He lived and dressed plainly. He was unaffectedly diffident. His opinions were maintained with a modesty and mildness that gave a discerning opponent little hope of overcoming or altering them. He spent no money in ostentation, but gave much in charity. His habits and purposes of life were simple: the simplicity of wisdom, indeed, saved him from becoming the dupe of designing men. He put little reliance in professions of patriotism, and used to remark in justification, that he himself had been reproached for lukewarmness in the cause of American Independence by men, who in the hour of trial had deserted their country, and sought the protection of her enemies. Though naturally irritable, he had by careful training acquired a self-control rarely equalled. Distrustful of demagogues, he was accustomed to say that, from Absalom down, there had never been an honest one. He enjoyed the society of his children and of guests, but was not a great talker. Of the part he had borne in public affairs he rarely spoke, and never in the company of strangers.

Jay has frequently, in the public mind, been associated and compared with Hamilton. This has happened perhaps because there was no one else with whom to compare Mr. Jay,

except him who had no equal. In their characters are points of contrast, as well as resemblance. They were alike in ardent love of country, no less than in the purity and success with which they served it; alike in the confidence they enjoyed and the detraction they encountered; alike in their views of the Constitution, and their efforts to secure its adoption; alike in their support of Washington, and in sharing his trust; alike, moreover, in their opinions as to the administrative policy of the government. They were too much alike to be jealous of each other, or to be wanting in mutual appreciation and respect. Hamilton had the more intellectual, Jay, the more moral power. To be a statesman was the object of Hamilton's life: it was an incident in the life of Jay. Hamilton could see at a glance how a nation was to be governed: Jay could show through a lifetime how a man ought to govern himself. Hamilton lost his life in an attempt to vindicate a fame which he deemed necessary to his country: Jay would have distrusted the value of an influence that required such support. Hamilton saw and dreaded the dangers to which our government would be exposed from the passions of the people: Jay trusted to the meliorating influences of Christianity, — hoped where Hamilton feared. The government, both in structure and policy, exhibits the traces of Hamilton's genius: our diplomacy and our judiciary retain the impress of the purity and power of Jay.

There is much in the character of the times in which they lived, and in the common objects they sought, which tends to associate these two great men together in the public mind. But Jay resembled Washington more than he resembled Hamilton. In an eminent degree Hamilton possessed those traits which we usually find in great generals and statesmen, — traits suited to develop and marshal the physical energies and resources of a nation. He, better than any one of his contemporaries, could bring order out of confusion, power out of weakness. How he would have succeeded at the head of the Revolutionary army, when the object was to conquer more by endurance than by concentrated efforts, must be left to conjecture. Jay understood and appreciated the moral energies and

capabilities of the people. He knew that a feeble nation or government were strong if they were right. He knew that to bring men together into communities or nations did not authorize or enable them to repeal or modify the laws of their moral nature; that a wrong was none the less such because committed in the name of millions; and that, as nations have no hereafter and thus no punishment in another world, retribution must surely follow their iniquities in this. He cared, therefore, more for the purity of the people than for the power of the government.

The comparison is introduced, not to depreciate the character of Hamilton, but to illustrate that of Jay. Washington and Jay alike understood, and attempted to give effect to, the principle of the Revolution. They knew that this principle, if fully developed, would ultimately make power and right the same thing; that government had no rights but in its duties, power no security except in its rectitude. When the moral of the Revolution is worked out, the character of Hamilton will appear like a splendid fragment of some gigantic structure; that of Jay as an edifice less imposing, but perfect in its proportions.

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In 1826 the Fourth of July, being the fiftieth anniversary of American Independence, was more generally celebrated than usual. A committee of the corporation of the city of New York had addressed a letter to Mr. Jay (then more than eighty years of age), recognizing his high claim to the respect and gratitude of the country, and requesting his presence at the celebration. In his letter declining the invitation on account of age and increasing infirmities, he said, "I cannot forbear to embrace the opportunity offered by the present occasion to express my earnest hope that the peace, happiness, and prosperity enjoyed by our beloved country, may induce those who direct her national councils to recommend a general and public return of praise and thanksgiving to Him from whose goodness these blessings descend. The most effectual means of securing the continuance of our civil and religious liberties is always to remember with reverence and gratitude the source from which they flow."

Unable in 1828, by reason of his years, to attend the annual meeting of the American Bible Society, and acting upon the principle that it was not right for him to retain an office the duties of which he could not well perform, he resigned the presidency, and accompanied his resignation with a liberal donation to the society.

Upon the fourteenth of May, 1829, he had retired to bed in his usual health, but in the course of the night was seized with palsy. He lingered until the seventeenth, when he died, in the eighty-fourth year of his age, and twenty-eight years after his retirement from public life.

He had outlived his enemies, if such he could have had; and there was nothing to jar the feeling of respect for his character which pervaded the country. It was said of him in an address soon after his death: "A halo of veneration seemed to encircle him, as one belonging to another world, though lingering among us. When the tidings of his death came to us, they were received through the nation, not with sorrow or mourning, but with solemn awe, like that with which we read the mysterious passage of ancient Scripture, '*And Enoch walked with God, and he was not; for God took him.*'"

THE

NECESSITY OF INDIVIDUALITY IN CHARACTER.

. . . By individuality in character and conduct, I do not mean an eccentric disregard of public opinion, a factious and futile opposition which chafes under restraint, but that personal freedom which follows public sentiment only to the limit of its rightful demands. Some have thought that public opinion is more powerful here than elsewhere, because popular majorities control the affairs of government. Be this as it may, I presume it will not be denied that there is with us a tendency to less individuality than in some other countries. Strangely enough, it happens that here, where the people govern, a man sometimes is not allowed to govern himself; that an unseen but everywhere operating power shapes for him opinions, and compels his seeming acquiescence upon questions political, religious, social, or economical, which perhaps he has never examined, or to which he is far from giving actual assent; that an outward pressure is strong enough to forbid the exercise of his individual judgment; that, while claiming to be a free people, we habitually deny the free expression of individual opinion, or the development of individual tastes; that in a word we are to a large extent educated by public opinion, and are expected to obey it. Yet those very men and women whose lives have been partial or total failures share in creating public opinion: it is made up of the average morals and manners of the world.

A great practical difficulty in maintaining an independent individuality of character is found in the influence of society, which forms for us our habits before we are aware of them.

There is no hope of breaking the general influence of fashion. Could we only go out of the fashions of the day, and view them independently of the influences and associations that make them a part of ourselves, — like the servant-girl, dressed in her finery, and riding in her master's coach, who said her happiness would be complete could she only stand upon the pavement, and see how she looked riding by, — could we but see ourselves as we are viewed by unperverted eyes, there might be hope of reformation. Till then, however, fashion, extravagance, and dissipation will well-nigh always prove irresistible: a portion only of society will attain independence of character, — and enjoy prosperity without being injured by it.

It is easy enough in most things to meet the requirements of public opinion; its pressure no doubt brings the conduct of many up to a higher and better point than it would otherwise reach; but it tends, at the same time, to prevent one from rising above it. In numerous instances it is quite as unfashionable, quite as damaging, to be in advance, as to be in the rear, of the times. Fashion costs more than taxes, punishes more than courts of justice, kills more than war, is more powerful than government. It is a despotism which no power can control, no extravagance bankrupt, no absurdity weaken. Pass a law designed to improve the morals of our people, and all the officers of the law cannot execute it: let Fashion promulgate a decree deforming the person, impairing the health, and involving an enormous expense, — all the officers of the government, all the ridicule of the wits, and the denunciations of press and pulpit, would not impede its execution a single day.

Would we form characters higher and better than the average, the motive power of our lives must spring from higher and better sources than the prevailing fashions. Every great reform has originated with those who have first lifted themselves above the follies and abuses of the day; and he who seeks to accomplish much must be, as to the wrong influences of society, a life-long reformer. Not that he is to mount the platform and exhort the multitude, but that he must do what is harder, — live day after day by a rule of conduct which sets at nought mere human fashions.

. . . If the passion for heaping up riches is stronger here than in any other country, that public sentiment is to some degree responsible which makes money a principal means of social distinction. Every man or woman who pays respect to wealth without reference to character, is accessory to the growing evils which the indulgence of this passion inflicts. Would that public opinion were as discriminating in its appreciation of the worth of money, without character, as the following incident shows a gentleman in Philadelphia to have been. It seems that a man in that city, who for years acted upon the theory that money, however acquired, could purchase happiness and public consideration as merchandise in the market, had managed, by various processes which dwarfed or destroyed every manly trait of his character, to get together a considerable estate. Not long ago he was walking down one of the principal streets, with an air that plainly indicated it was not his habit to undervalue his own importance, when an admirer pointed him out to a bystander, with the remark: "That man, sir, is worth three hundred thousand dollars." — "So I understand," was the quiet reply, "and that is all he is worth."

Society, of course, will continue to overrate money, and to undervalue character; but those who would not remain poor, yet cannot acquire wealth at such a price as this, must build up for themselves an independent individuality of character. The attainment of a fortune by proper discipline may, indeed, be pronounced an imperative duty. I never knew but two educated men who maintained that it was a duty to live destitute of property. One was a clergyman, who had the reputation of constantly preaching against worldliness and the accumulation of property, as a sin. When he died, it was found that he held mortgages on half his parish. The other was a lawyer. He comforted a widow, from whom he had taken the last dollar her husband had left her, by saying that it was a blessing to have nothing in this world to keep her thoughts from the next.

. . . When a man makes an estate in this country, and makes nothing else, his failure is of no great public importance, except as his example demoralizes those who are not strong enough

to resist it. His influence stimulates a love of money and of extravagant expenditure, unsettles habits of quiet and successful industry, and often induces, through the power of fashion, many of less means to sacrifice real comfort and independence for a foolish and heartless display. Against such influences, so powerful and so pervading, all who would lead a true life must firmly set themselves, until they have formed and fixed an independent character. One method of accomplishing this object is to start now with some noble purpose in view; it may be to make comfortable a parent, a child, or dependent; it may be the effort of a wife or mother to reclaim a husband or son from vicious habits; it may be to gain a reputation which one's children may respect (one of the most powerful incentives to a well-ordered life); or, indeed, it may be any thing that brings us into unison with that law which has enacted that happiness can be found only in rightly discharged duty. . . .

SUCCESS IN LIFE.

1870.

THE lecture I am about to read to you was prepared at the request of the Mercantile Library Association of Portsmouth, and delivered before them, several years ago. This association was composed of merchants' clerks, mechanics' apprentices, young mechanics and traders, and generally of young men just starting, or preparing to start, in business. It was written at a period of great extravagance, and my purpose was to remind those who were forming their characters for life, that success or failure is not accidental, but the result of an observance or violation of a uniform law; that if a man would be well, he must obey the laws of health; if respected, he must conform to the laws which develop and establish character; if independent, he must observe those laws which control the accumulation and preservation of property; and that both property and character are subject to the same law, — that of accumulation. By this, I meant that a year's income, saved and properly invested, would become capital to work for its owner the following year, just as the growth of good habits will, which form his character. My object was to show my young friends, not how to do some great thing, but how, by a succession of what is too often regarded as little things, to build up a character and an estate.

I offer you a few desultory remarks upon the causes which contribute to success or failure in what should be the purpose of life, with such admonitions and encouragements as my own observation may have suggested.

And, in the first place, what is success? It is not wealth alone; for sometimes rich men are only great failures. It is not power alone; for that not unfrequently ruins its possessor. It is not social position; for that is often obtained without merit, or lost without fault. Success in life is the harmonious development and mature growth of a manly character, the fruits of which are independence, influence, and position. Being what we were designed to be, and doing what we ought to do, — this is success.

It has often been said that we profit little by the experience of others, — a remark which, to be true, means that it is one thing to have a principle explained to us, and quite another to regulate our lives by it. Very much the same idea is contained in the proverb, that purchased experience is the best, provided it be not bought too dearly. Both sayings proceed upon the difference between theory and practice. A lawyer may read abstract principles of law, yet not know how to try a case to the jury; or a physician may study the causes of disease and its remedy, and yet know not how to cure his patient. It is one thing for a young merchant to understand political economy and the laws of trade, and quite a different thing for him to make a fortune; or, for a mechanic to comprehend natural philosophy, and quite a different thing to apply it to practical results. We may frequently hear men explain the reasons of their failure or success, without avoiding the one, or securing the other. The real difficulty in profiting by the experience of others is, that, whatever may be our theory, it is our passions that are apt to sway us when we come to act. To those who are starting in life, it becomes a momentous question, whether impulse or fixed principles shall shape their conduct, and form their characters.

The law of success is as universal and as irresistible as that which holds the planets in their orbits. There is no miracle, no good luck, no chance; but whether merchant, professional man, or laborer, each individual succeeds just in proportion as he learns and obeys this law. Nor will it be suspended or modified that we may succeed where others have failed. In

this country, inasmuch as the people have the control of the law-making power, we sometimes fall into the delusion of thinking that we can alter principles; but the law we are now considering, no legislative authority has made, or can repeal. To know, love, and obey it, is happiness and success. He who cannot for future good control present impulse, who gratifies present inclination at the expense of future peace, and whose life is shaped by passion, instead of principle, will surely fail. So, too, will he fail, either in the means or end, who aims to succeed by the injury of others.

But it is not strange that this law should be unknown, neglected, and disregarded. How full is this world of beauty, how full of noble men and women! and yet how many people go through life seeing no beauty around them! how many live among those of the highest and best character, yet know nothing of them! When such people are blind to what Providence has thus provided for their happiness, see not beauty and grandeur in the character of the noble men and women who surround them, how can they comprehend an unseen law? How can a sordid, ignorant man be brought to feel that God's plan of making him happy is better than that suggested by his own passions?

It does not lie within the range of my plan to undertake to define or explain this law, except by illustrations showing its power. My purpose is to refer to some only of those causes which I have observed contribute to success or failure in what should be the object of life.

The world really wants, and is ready to pay, those men who can and will serve it; and will pay them just what their services are worth, — no more. Whatever the law-makers may undertake to do with regard to the laws of labor, men cannot receive what they do not earn. Every sound plan involves the inquiry, not what is most agreeable to you, but how best can you serve the public. You cannot rightfully draw more from the community than you give to it, any more than you can draw from the bank a larger amount than you have deposited.

The foundation of success, indeed of all rational enjoyment,

is work regulated by duty. It is the law of our nature that we should find our happiness in the fulfilment of our duties, and no success can be attained otherwise. Duty is only another name for the means of happiness. We should early learn to love what we have to do, and go about our occupation, as to our assigned post of duty, deriving our enjoyment from the consciousness that we are honestly and honorably employed. What if our task be severe? if we go to it in the morning, conscious that we are at peace with the world, that we have wronged no one, that our plans are in harmony with the laws of nature and the will of God, we shall find an enjoyment which the idler, the seeker after pleasure, and he who wastes the earnings of others, can never know. Do we bring from it a wearied body and aching limbs, they are but preparations for "tired Nature's sweet restorer, balmy sleep." Rightly regarded, then, a life of labor is not a life of drudgery, but a season of discipline, needed to preserve our health, develop and mature our powers, and to give us the feeling that we are doing something to carry forward the great interests of society, — needed, in a word, to make us happy.

We often repine at that discipline which saves us, and seek that ease which would ruin us. Some men are so constituted, that prosperity makes them arrogant and frivolous, rather than thankful and modest. Others who succeed, and have developed estimable characters, are unable to tell how much what they call their misfortunes have aided, or their good luck has obstructed them. Were we given the power of ascertaining exactly the agency which has occasioned what of success or failure may have varied the lives of any given number of individuals, I believe many would be surprised to find how much the so-called obstacles had strengthened, and the so-called helps weakened them. Where another is allowed to bear our burdens, we lose the strength which meeting them, and carrying them from day to day, would have given us; and our ability to compete with others in the practical affairs of life is correspondingly reduced. When we come to be as ready to do our duty as we are to claim our rights, we shall have started upon the true road to success.

It is no uncommon thing to see a young man toiling to aid a mother, or sister, or a family; practising self-denial that those who are dear to him may live in comfort. Some people look upon such a young man as unfortunate, — so fettered, that he cannot succeed in life. It were much better to imitate than to pity him. True, he works hard and denies himself indulgences; but he is so training himself that, when he comes to the serious work of life, he will outstrip those who have never encountered burdens such as these, or, if they have, who lacked the courage to make the attempt to bear them. Have no fear for the success of a young man who is manly enough to do what he ought. Reserve your solicitude for him who is called the child of fortune. Watch him who has had much done for him, and see what he does for himself.

The repugnance to labor which so frequently causes failure is due not more to indolence than to an ignorance of the fact that labor is really a blessing, and that it is as much a source of enjoyment as of wealth. How should a young man untrained to work discover blessings in a life of that toil which he sees so many attempting to avoid? He sees men laboring to obtain the means of exemption from labor, instead of seeking enjoyment in the daily work and routine of life: why should he not act upon the delusion that, if he can get money without work, he secures happiness by avoiding toil? Many a young man has advanced some way on the journey of life before discovering that no one enjoys the real blessings of wealth and position without toiling for and earning them. Few greater obstacles lie in the road to success than the belief that work is an evil, or that it ought to be avoided. There is a satisfaction in the reflection that a day's work has been honestly and faithfully done, which the idler never knows. Multiply such a day's work by a lifetime, the product is independence and happiness. It is the misfortune of many that they get half way through life before they realize that their great need is something to do, somebody to work for, some occupation, which, while it fulfils their duty to society, gratifies their affections by benefiting those who are dear to them. It is not uncommon to hear expressions of sur-

prise, that a man of sufficient means to live in comfort without work should continue in those habits of industry by which he has earned his independence. He has learned, what others ought to learn, that his best enjoyment is found in applying himself to useful occupation, and that there is no greater delusion than supposing that happiness will begin only when one has saved enough to live without work.

Notwithstanding there are so many dissipated men and idlers in our cities, so many who spend their money before they earn it, and that extravagance is so widespread, yet the improving civilization of our country is bringing us more and more to appreciate the dignity and blessings of labor. Nowhere else are its rewards so sure and so high, or the working-man in all departments so much respected.

We are in the habit of regarding England as a rich country, and so she is, — rich in her past accumulations; but wealth is accumulating faster in this country than in England, because here labor is free, but crippled there. They appear in Great Britain to be trying the experiment to determine how few may hold the wealth of the kingdom, and still preserve peace and order. Here opportunity and inducement are held out to all alike to gain an independence. Although there are many marked and honorable exceptions, yet most of the English gentry, and those who live upon inherited wealth, use their means so as to lessen what would otherwise increase the product of labor. Having little to do but to spend money, and waste time, they often anticipate their incomes in those expenditures which minister to personal gratification, and tend to diminish the common stock of wealth. It costs England enormously to support her wealthy classes. The system of entailed estates not only withholds many men from productive pursuits, but inclines them to divert considerable portions of the labor of others from those channels of industry where it might add to the wealth and comfort of all. Nay more, this very policy, by placing the few above labor and the many below hope, impairs the energies, and lessens the growth, of the whole nation.

We had very much the same system in this country until slavery was abolished. If the increased productive capacity of labor consequent upon the abolition of slavery could take the shape of a sinking-fund in money, it would pay the national debt, principal and interest, long before the present race of croakers will have died out. The result of the war has been to elevate the dignity of labor, and increase its power. Although we have a national debt so large, that even now many timid men believe it will not be paid, people of means and character are coming to our shores in numbers sufficient to populate a State every year. Even England, who caused it to be proclaimed that our Union must be dissolved, because she would not loan us a dollar to preserve it, sent us this last year nearly a thousand Englishmen a week to help us pay the expense, and share in the blessings resulting from the war.

I have invited your attention to the practical working of the different systems of labor in this country and in England, because nations illustrate the truth, as well as individuals, that success is regulated by an unswerving law. Free labor is the blessing and safeguard of nations as of individuals. The people are quiet and prosperous where labor is free, just as we rarely find an industrious man to be a bad man. Being engaged in applying abstract principles to practical results, his habits grow into the observance of laws; while, with few exceptions, it is the idle and the dissipated who commit crimes. Nor is it easy to find an honest, hard-working man, in any walk of life, who is unhappy. In my experience and observation, which have been somewhat long, if not extensive, I have rarely come across an honest workingman who was wanting in enjoyment. From the nature of things, it must be that he who has nothing to do finds little to enjoy. Only a low and sensual gratification springs from the union of wealth and indolence. The employment of our powers, and the fulfilment of our duties, I cannot too often repeat, in that work which is as needful for our enjoyment as for our subsistence, alone bring us the happiness suited to rational and accountable beings.

An indispensable requisite to success is a well-digested plan

of life, always kept in view, and perseveringly followed. Such a plan will be simple, if true. However feeble a man may appear to be, he is as strong as the principle he lives by. A succession of comparatively unimportant, and at first unobserved, acts and incidents, persevered in while another neglects them, gradually builds up a high character. They gain, like money at compound interest. Make your plan, and adhere to it. Review the results of each day; see whither you are tending, and what sort of a future the present is preparing for you. To-day's work, remember, and not to-day's dreams, is making your future. We notice a great difference in the positions of men whom we daily meet; but it rarely occurs to us to seek out the cause. Could we read the record of their lives, we should discover less diversity in their natural endowments than in the plans which they have adopted, or the habits they have contracted. Learning, property, position, the ability to succeed in the world by making yourself useful or necessary to it, all are attained by the same process. To a superficial observer, there is likely to be little difference in the careers of two young men who start together with like capacities, like opportunities, and like occupations, one of whom indulges in small, unnecessary expenses, and slight deviations from the true line, while the other upon principle avoids them. But follow out this trifling difference, and you will find one at last possessed of property, influence, and reputation; the other, not. The diversity in habits has produced characters widely dissimilar, each with its inevitable result of success or failure.

Habits of punctuality will accomplish great things in a lifetime. Never shrink from, but gladly meet as it arises, each valid claim upon your attention. When I came to the bar, often after a hard day's work have I walked a considerable distance in order to pay over to a client a small sum of money I had collected. This to him, perhaps, was of no importance; but to me the habit of performing at once a professional duty became of great value.

I need hardly say that there can be no success without integrity, — not a conventional integrity which keeps within the law,

but an integrity of the heart, which inquires not what may, but what ought to be done. The young man who does not feel that integrity is indispensable to success, that truth and purity alone will stand, and that rightly discharged duty is the only thing which in the end can satisfy him, will surely fail.

Quick and generous sympathy with the interests of society helps a man to succeed. The true minister, doctor, or lawyer looks upon his profession as the post of duty. He ought not to be indifferent to his compensation; but he does not deserve it, he is unfit to be trusted with the souls, the lives, or the rights, of the public, if he be not more intent upon doing well his work than upon his pay. So of every calling. Act upon the unfaltering conviction that you cannot help yourself, except as you serve the public, and you have taken a direct step towards success. And by all means keep alive, and nourish into vigorous activity, a sympathy with the cause of humanity. Thousands are starving, literally starving, for the want of that nourishment which grows out of a kindly sympathy with their neighbors and townsmen.

Make your home in a community where an educated clergyman of scholarly habits and refined taste is settled and cheerfully sustained. Next to the influence of the home in which you have been reared will be that of such a man upon your character and success. And be as punctual in your attendance upon his preaching as (if you are to be a man) you will be in paying your part of his salary. He may not suffer if you don't help him; but *you* will.

Many failures are attributable to a lack of education or training. By this I do not mean that education alone which we obtain as schoolboys, but a training and discipline gained in the school of practical life, a worldly wisdom which comes of a rigid adherence to self-imposed rules. It is a matter of every-day observation that men may be full of learning, and yet have no education that fits them for the practical duties of life.

Early marriage conduces largely to success. This is a step which few of you are likely to neglect; yet many, especially in our large cities, make a failure of life by postponing marriage

until they shall have made an estate. This is as unwise as for a man to postpone his enjoyment of life until he shall have made money enough to live without work. Most young men need a wife to aid them in making an estate, to check the growth of selfishness, and to enlarge the range of their sympathies. The very process by which a youthful couple attain to an estate and a social position is the source of happiness, is in itself success: it gives character to their lives, and exerts a healthful influence upon their children and the community. The stability and wealth of New England, and the influence she has exercised upon the whole country, is to a great extent attributable to the usage, that so long prevailed, of young people with little or no means uniting to make a home, and earn a position, — a usage which we cannot afford to give up, but which we are losing, I fear, as wealth and love of show increase.

The choice of an employment, always important, sometimes becomes a decisive step in life. Though we are fast getting rid of the delusion, yet even now too many choose an occupation more with a view to its supposed respectability than because of their fitness for it. They soon learn that it is what a man is, and not his calling, which gives him his real position. And then, too, we meet with young men who believe success is to be won by genius, and they grow discouraged because they feel no such power. They should understand that what is termed genius not unfrequently is but a discernment and energy which enable one to work diligently in the right direction. They want will and perseverance: having, however, no determined purpose, they fall into vacillating habits, and accomplish little or nothing. We find them engaged, not in meeting the duties of to-day, but in an attempt at correcting the mistakes, or atoning for the neglect, of yesterday. Indeed, there are those who labor like a water-wheel whose turning is retarded by back-water, — men who fail because their efforts are not in the right direction. . . .

If we would succeed, we must not stand hesitating till we are told to do some great thing, but begin now, and do the first

thing that offers, however small, as it ought to be done. Do not begin with a conviction that it is necessary you should be rich. The source of many a failure is to be found in the delusive idea that a large estate is a necessity, and that it may be made in a hurry. I do not undervalue the advantages of wealth; but I insist upon your forming the habits which may acquire it. An estate suddenly got by what is called a lucky speculation is by no means an unmixed good. The possession of property, I cannot too often repeat, that comes as an incident to an industrious life, is well enough; but it is not worth half so much as that discipline and well-ordered conduct of life which is necessary to obtain it. Do not forget, that as a general rule wealth, to be a blessing, should be the result of a life of regulated industry. I advise you, then, to be content with what you can honestly earn, and to take good care of it.

The accumulation of a fortune, so far from being a success, is a failure when the process dwarfs the man, or hardens the heart. When we respect a wealthy man, it is not for his estate, but for the power and self-control which have accumulated it, and for the rightful manner in which he is using it.

We should better succeed in the real object of life were we to learn rather to enjoy what we have than to repine for what we have not. About fifty years ago Mr. G., then one of the richest men in New England, embarked perhaps the fifteenth part of his estate in manufacturing enterprises which for some years turned out to be losing ventures, simply because men (as is often the case in business) engaged in them without special training. The sum of Mr. G.'s losses may possibly have amounted to a year's income, — a result which greatly distressed him. Now, it is easy for us to see that it was folly in an old man, as he was, to be so troubled at the loss of a small part of his estate; yet this is no uncommon case. The event so preyed upon his mind, that he spent a long time in making out a careful interest account with the investment, showing a loss of a hundred and ten thousand dollars, and sent it with a doleful letter to his friend and correspondent, Robert Pulserford, a London banker. This gentleman spent half a day in an examina-

tion of the account, and then wrote a reply as follows (I had the anecdote from the clerk, who saw the letter written, and who, as clerk, copied it in the London banker's office) : —

LONDON, February 8, 1827.

DEAR G., — I have attentively examined your letter, and detailed account of your losses in the manufacturing business. My advice to you is, to think of what you have, and not of what you have lost.

Yours truly,
R. PULSERFORD.

Now there are not a few, who, while perceiving that this was good advice to Mr. G., will themselves fail to profit by it. Mr. G. was a very estimable gentleman ; but he overrated the value of money. I have related this incident to illustrate what I mean by saying that one may make an estate without securing success. An anxiety to accumulate money may render the successful accomplishment of that object in effect a failure.

Another incident, which occurred a few years earlier, will show you what I intend you shall understand by the power of character. Not that I would for a moment intimate that character and fortune were not united in Mr. G. : they were. But my object now is to impress upon you by illustration, that as one may possess an estate which brings him more anxiety than comfort, so another may have a commanding character, and achieve success, without an estate.

In 1809, when there was more wood and less money in the vicinity of Cambridge than at the present day, a farmer in straitened circumstances, who lived about six miles from the colleges, had a son who early manifested a strong desire to be educated at Harvard. The father, at the proper time, arranged to pay his son's expenses by cutting and hauling wood for the college. One day, the son, as he was coming with his class from the recitation-room, discovered his father at work, throwing off a load of wood. "Come, boys," said he, "follow me, and I'll introduce you to the best father in the Commonwealth ;" and the class forthwith followed him in a body. "This, classmates," continued the student proudly, "is my

father, who does this work so that I can have the same advantages as you." The class shook hands with the honest farmer, and, after helping him unload his wood, they made him come and dine with them. After dinner, they escorted him to his sled, and, as he started on his way home, the class gave him three hearty cheers.

Now, there is nothing remarkable in a New England farmer working hard to give his son a good education. Many a father has in this way made a hero of himself, and opened to his son the road to success. But it is interesting to note that a whole class of college-boys at once recognized the claims of a noble man to their enthusiastic admiration. Such a reception and escort they would not have given to a merely wealthy parent coming in his coach to pay his son's college-bills.

Young men at the outset of their work often grow impatient to obtain the control of capital: seeing that money is an element of power, they naturally suppose that had they the means, they could surely command success. No doubt some young men have been retarded by the lack of means which they were fitted to employ to advantage; but others have been injured by being permitted to control money before they have been trained to its use. As a general proposition, capital cannot long be kept from him who knows how to use it, nor long held by him who lacks this knowledge.

Nor should I omit to point out a cause of failure in the mistake young business-men fall into, when they suppose that in the outset a high social position is necessary to success; or that such position can be purchased by borrowed money; or that any standing worth the having in society can be reached without earning it. It must be owing to the accumulation of wealth, and the increased expense of living, that so many young business-men not only postpone too long the establishment of a home of their own, but begin housekeeping upon a scale which endangers their ultimate success. Here and there are to be seen a couple, who, in imitation of the old New England fashion, are content in a frugal manner to begin life, with the determination of earning a fortune before they set

about spending it, and to make themselves worthy of a social position before they claim it. Such a sight commands the respect of thoughtful and sensible men.

My young friends, be too proud and too honest to tell a falsehood by your manner of living. Live within your means, and you will secure a respect which another's money can never procure for you.

Economy, hateful as the word sounds in some ears, and unfashionable as it is in some quarters, is absolutely necessary to success. Economy is a duty, though a great many disregard it. Money is not to be hoarded; but, when used, it should leave some token, even if momentary, that it has been judiciously expended. But it must not go for any purposes that do not advance the great plan of life. A young business-man can spare neither the capital nor the working-force necessary for sideway indulgences.

I hardly know how to account for the fact that the world judges with so much more severity the man who saves money than the spendthrift or the swindler; that it forgives so much more readily one who has stolen by a breach of trust a hundred thousand dollars of other people's money than him, who, by cheating himself out of the pleasures and comforts of life, has managed to lay up that sum. The latter's only offence is, that he has not wasted a portion of the world's labor on his own selfish gratification. Let me relate an anecdote which illustrates what a miser, detestable as may be his habits, can accomplish by persistent adherence to a principle.

In one of the smaller cities of France, towards the close of the last century, there died at an advanced age, leaving a large estate, a man who for more than fifty years had been known and despised as a miser. For a long period the city had suffered from the lack of good water. During his youth the inconvenience had become so great, that the citizens held public meetings, with a view to the city's taking measures, in its corporate capacity, for bringing water from a lake about a dozen miles distant. After much discussion, an estimate was had of the expense; but it proved so large, that the people reluctantly

concluded to abandon the enterprise as impossible for them to undertake. While serving his apprenticeship at blacksmithing, he had attended the meetings, and grown much interested in the subject. When the city had abandoned the project, it occurred to him that he himself might furnish the means of constructing the aqueduct. By degrees this idea took possession of his mind, and soon after he became of age he determined to accomplish this undertaking. Giving up his purpose of marrying, he devoted his life to this single object. He worked diligently, lived upon a few cents a day, and put his earnings at interest. To make his plan effective, he applied himself early to money-letting, and learned how to make good investments. By improved workmanship, and diligence in his trade, spending nothing, but adding to his means at high rates of interest, the blacksmith gained in wealth, and long before he was called old, but not till after he was called a miser, he became the richest man in the city. As years and money increased, he grew more and more penurious; and yet, though he lived and dressed so meanly as to be avoided and despised, he appeared always cheerful and happy. He died alone, in an unfurnished hovel, at nearly the age of ninety years, leaving an immense estate. His will set forth the object of his life of accumulation and self-denial, — to furnish every inhabitant of the city with an abundant supply of good water free of expense. His property, which was ample for the purpose, he had vested in trustees charged with the duty of bringing in the distant and long-coveted lake to his native city, and keeping the works in repair, free of cost to the citizens.

When the people gave up this enterprise as too expensive for their united means, had this half-educated blacksmith announced to them his purpose of accomplishing what they dared not undertake, who would have heeded him? How many of those who sneered at the miser while working out his great plan, and happy in his employment, had any conception of the force of that principle, an adherence to which was giving that ignorant and insignificant man a power greater than that of the whole city?

A few years ago, Mr. K., an able and successful lawyer, died at Concord, at an advanced age, leaving what is considered in New Hampshire a large fortune. After making a moderate provision for his relatives, he gave the bulk of his property, amounting to about two hundred thousand dollars, to the New Hampshire Asylum for the Insane. Always economical, he had for the last forty years been penurious, denying himself many of what are esteemed the comforts of life. In other respects he was a learned, cultivated, and exemplary man. He gave up his practice at the bar before reaching middle age, and, by perseveringly acting upon a carefully-considered plan, he succeeded in accumulating his handsome estate. I doubt if any swindler now in the State Prison has been so censured for his crime as was Mr. K., in his lifetime, for the self-denial which enabled him to devote two hundred thousand dollars to a most worthy charity.

I have told you what these men accomplished, not to commend the conduct of either as deserving imitation, but to show what power there is in a plan of life persistently carried out.

A habit which often exerts a greater influence upon success than is generally supposed is cheerfulness, or looking upon the bright side of life; and charity, or, more accurately speaking, justice, which sees the good points of people quicker and more clearly than it discovers their faults. Why is it that we, where so many of our days are happy and prosperous, are more prone to repine at what we suffer than to be grateful for what we enjoy? Why is it, when there is so much that is good in those about us, and their faults are so few, that we have a keen eye for their defects alone? This is not only unjust to others, but injurious to ourselves. The view is not true either of the world, or of those whom we meet from day to day; and false opinions always obstruct success. Besides, life's enjoyments are largely made up of a succession of what appear to be unimportant incidents. If, in our intercourse with the world, we have a quicker eye for the faults than for the excellences of those whom we are constantly meeting, we not only hazard our success, but greatly abridge our happiness.

Finally, success largely depends upon our heeding that law, as well applicable to what we call secular affairs as to spiritual growth, announced in the saying of Jesus, "He that findeth his life shall lose it, and he that loseth his life for my sake shall find it;" which means that the sordid will fail, while he who to the selfish appears to be throwing away the enjoyments of life in meeting and fulfilling his duties shall, whatever may seem the sacrifice, find life's highest happiness.

I felt that I could not better attain the object you had in inviting me to address you, than by reminding you that the danger of the day is in a growing aversion to work and a love of extravagance. For this reason I have attempted to impress on the minds of those just entering upon the duties of life the truth that there is a law of success and failure as universal as that of gravitation. And, in your efforts to discover and live by this law, —

> ". . May you better reck the *rede*
> Than ever did th' adviser."

REMARKS

ON PRESENTING RESOLUTIONS OF THE ROCKINGHAM BAR, UPON THE DEATH OF JOHN PORTER, ESQUIRE.[1]

MAY IT PLEASE YOUR HONOR, — In the rapid flight of time we have reached the period for the convening of this court. The preliminaries have been gone through with, and the business of the term has been commenced; yet we miss the venerable form and the measured step of the president of this bar. Who among us can recollect a time or term when he did not associate our distinguished brother and his presence with the Rockingham courts?

Mr. John Porter, with one exception the oldest counsellor of the bar, died suddenly, at his residence in Derry, on the fourth of December last. During the day, and up to within a few minutes of his death, he was engaged in his usual professional avocations, thus beautifully ending a long and well-spent life without decay of mind, or pain of body, and fulfilling his well-known wish, not to outlive his usefulness.

He was born in Bridgewater, Massachusetts, on the twenty-sixth of February, 1776, — a few months before the promulgation of the Declaration of Independence. His father soon after removed to Lebanon in this State. Mr. Porter graduated at Dartmouth College in 1803, and studied his profession with the late Aaron Hutchinson; and more than half a century ago set-

[1] Mr. Hackett presented these resolutions in behalf of the Bar, February 24th, 1858, at the trial term of the Supreme Judicial Court held at Exeter, the Honorable Samuel Dana Bell (afterward chief justice) upon the bench. This instance of the felicity with which he performed a not infrequent duty is selected, not only because of the esteem in which the Bar held their venerable president, but for the circumstance that the speaker mentions the names of early contemporaries in the profession, who had at that date passed away.

tled in Derry, where he continued to reside, uninterruptedly engaged, with marked ability and success, in the practice of the law until his death. He soon acquired, and ever afterwards held, a high rank at the bar at a time when it contained lawyers who would have conferred distinction upon any bar in this or in any other country. His fidelity, patience, and industry, his learning and high-bred courtesy, his effective preparation for the duties of court, and his quiet waiting on its routine, are known to all who are acquainted with the administration of justice in this county.

Not only was he for many years among the first at the bar in this county and this State, but for many sessions he was among the first and soundest of our legislators. The town in which he resided often conferred honor upon itself and the State by electing him to the House of Representatives. A quarter of a century ago the State secured his services, in conjunction with those of other distinguished jurists, in the revision of our statutes. It would be difficult to name one who, during the last half-century, had so frequently occupied a seat in the popular branch of our State government, or who had exerted a greater or better influence in giving shape to our statutes, and character to our general legislation. Neither at the bar nor in the Legislature did he seek opportunities for mere display; but in both positions he was always found equal to what the occasion demanded.

The last time I heard him address the court he delivered in this room his beautiful and appropriate speech upon the life and character of our late brother Tilton. The bar had delayed offering to the court the resolutions which they had adopted, with a view to Mr. Porter's participating in the proceedings. When he arrived in town he readily undertook the part assigned to him, and some who hear me will recollect how admirably he performed it.

With what fearful rapidity such occasions as these are succeeding each other! Where now are the men who gave character to the Rockingham bar when your Honor and myself were admitted to it? Mason, Smith, Sullivan, Bartlett, Woodbury,

Cutts, Haven, French, Butler, Plumer, Cushman, Tilton, Thom? — all gone; and now Porter, after a long and honored life, is added to the list.

It is fitting that such occasions as this should be marked at least by a momentary cessation of those contests incident to the profession in which we are spending our lives; that we should call to mind our brethren who have gone before us; and, if their eminence is beyond our reach, that we should resolve the more sedulously to imitate their virtues, and endeavor to realize the rapidity with which we are hurrying after them.

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